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Volume 23, Issue 12 — March 19, 1999

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April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 14, 2000 - Issue 3: Through	December 31, 1999 (Annual)

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
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Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

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March 1999 - 600 - GA-1046

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Animal Diagnostic Laboratory Act

2) Code Citation: 8 Ill. Adm. Code 110

3) Section Number: Proposed Action:
110.120 Amended

4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]

5) A Complete Description of the Subjects and Issues Involved: A charge for shipping pullorum antigen of \$2 per milliliter will be added to Section 110.120. This antigen is required for testing poultry in the field for pullorum typhoid. The Department receives 5-10 requests per year for the antigen, usually in requests for 5 ml. Private industry does not sell the antigen in this small of quantity, so the Department is splitting bottles of the antigen to keep down the cost to poultry testers.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Veterinarians and all others wishing to utilize the Department's laboratory services.

B) Reporting, bookkeeping or other procedures required for compliance: Use of laboratory services is voluntary.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110

ANIMAL DIAGNOSTIC LABORATORY ACT

Section	
110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees
110.110	Toxicology Fees
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees
110.140	Liquor Control Commission Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March, 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 110.120 Miscellaneous Fees

- a) Swine health checks at slaughter facilities:
Market swine health check per head with a minimum
of 10 head 5.00
(Contact the Galesburg laboratory for information)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- b) Water potability test (Coliform and Enterococcus--
Millipore Method and Nitrates)..... 8.00 C
c) Return of shipping container..... current postal rate C, G,
d) Field trip by Department laboratory personnel to take
specimens..... 50.00 C, G
e) Cremation (Under 50 pounds).....50.00 G
50 pounds and above, each additional pound..... 1.00 G
f) Handling fee for sending specimens to
out-of-state laboratories..... 5.00 C, G,
g) Lysine..... 40.00 C
h) Amino acids.....100.00 C
i) Trihalomethanes (THM's)..... 75.00 C
j) Volatile Organic Compounds.....300.00 C
k) Disposal Fee: (when lab tests have not been
conducted, a disposal fee will be charged
in addition to any cremation costs)
Under 50 pounds..... 5.00 C, G,
50 pounds to 100 pounds..... 10.00 C, G,
Over 100 pounds..... 15.00 C, G,
l) Overnight shipping.....current postal rate C, G,
m) Shipping containers.....current market price C, G,
n) Pullorum antigen per ml..... 2.00

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Animal Welfare

2) Code Citation: 8 Ill. Adm. Code 25

3) Section Number: Proposed Action:

25.20 Amended

25.30 Amended

25.50 Amended

25.110 Amended

4) Statutory Authority: Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved: The Department is updating the CFR citations to the 1999 edition of the Code of Federal Regulations in Sections 25.20, 25.30, 25.50, and 25.110.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Animal Welfare licensees.

B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 25
 ANIMAL WELFARE ACT

Section	Definitions
25.10	Incorporations By Reference
25.15	Buildings and Premises
25.20	General Care of Animals
25.30	Dogs Brought into Illinois
25.40	Shipment of Mammals and Birds
25.50	Health of Animals at Time of Release
25.60	Department May Restrict The Sale of Animals
25.70	Quarantine
25.80	Records
25.90	Consent Statement and Inspection
25.100	Animals Prohibited from Sale
25.110	Guard and Sentry Dogs
25.115	Boarding and Training
25.120	Animal Control Facilities and Animal Shelters
25.130	Foster Homes
25.140	

AUTHORITY: Implementing and authorized by the Animal Welfare Act [225 ILCS 605] and the Illinois Diseased Animals Act [510 ILCS 50].

SOURCE: Regulations Relating to the Animal Welfare Act, filed May 17, 1974, effective May 27, 1974; amended October 6, 1976, effective October 16, 1976; codified at 5 Ill. Reg. 10438; amended at 7 Ill. Reg. 1724, effective January 28, 1983; amended at 12 Ill. Reg. 8265, effective May 2, 1988; amended at 13 Ill. Reg. 3628, effective March 13, 1989; amended at 18 Ill. Reg. 14898, effective September 26, 1994; amended at 20 Ill. Reg. 265, effective January 1, 1996; amended at 23 Ill. Reg. _____, effective _____.

Section 25.20 Buildings and Premises

- a) All buildings and premises shall be maintained in a sanitary condition and the licensee shall:
- 1) Have covered, leak-proof containers available for storage of waste materials before disposal to control vermin and insects. Such containers shall be maintained in a sanitary condition.
 - 2) Dispose of dead animals in compliance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and rules enacted pursuant to that law (8 Ill. Adm. Code 85). Compliance with this State Law

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

- shall not exempt licensee from compliance with local ordinances.
- 3) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
 - 4) Provide water from a source having sufficient pressure to properly sanitize and clean kennels, runs, equipment, and utensils.
 - 5) Provide hand washing facilities.
 - b) All buildings shall be constructed so as to provide adequate shelter for the comfort of the animals and shall provide adequate facilities for separation of diseased animals to avoid exposure to healthy and salable animals.
 - c) Floors of buildings housing or displaying animals shall be of permanent construction to enable thorough cleaning and sanitizing. Dirt and unfinished wood floors are unacceptable. Cleaning shall be performed daily, or more often if necessary, to prevent any accumulation of debris, dirt or waste.
 - d) Cages shall be constructed of a material that is impervious to urine and water and able to withstand damage from gnawing and chewing.
 - 1) The cages must be cleaned and sanitized at least once daily, or more often if necessary.
 - 2) All empty cages shall be kept clean at all times.
 - 3) Cages shall be of sufficient size to allow the animal to comfortably stand, sit, or lie, and offer freedom of movement.
 - 4) An ambient temperature as defined in the rules for the Federal Animal Welfare Act (9 CFR 3.2; 1999 1995) shall be maintained for warmblooded animals. In the case of coldblooded animals, the temperature that is compatible to the well-being of the species shall be maintained.
 - e) Runs shall be constructed of material of sufficient strength and design to confine the animal(s).
 - 1) They shall be kept in good repair and condition.
 - 2) For new construction or remodeling, the licensee shall provide runs surfaced with concrete or other impervious material.
 - 3) Surface of the run shall be designed to permit the surface to be cleaned and kept free from excessive accumulation of animal waste.
 - 4) Provisions must be made for adequate drainage, including gutters and discharge of any fluid or content into a sewer, septic tank or filter field, and shall comply with any local zoning.
 - f) Cages or aquariums for housing of small animals, birds, or fish shall provide space not less than 2 1/2 times the body volume of living creatures contained therein.
 - g) If animals are group-housed, they shall be maintained in compatible groups without overcrowding. No female dog or cat in estrus shall be placed in a pen with male animals, except for breeding purposes.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

Section 25.30 General Care of Animals

- a) All persons or establishments licensed under this Act shall comply with all Sections of the Humane Care for Animals Act [510 ILCS 70].
- b) Sufficient clean water and fresh food shall be offered to each animal daily as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.5 - 3.7; 1999 1995). In the case of young animals, they shall be fed more than once daily. Reptiles, fish or amphibians shall be fed and cared for in accordance with the eating patterns and environmental conditions compatible with each individual species.
- c) The licensee or his representative shall be present for general care and maintenance of the animals at least once daily.
- d) Aquariums containing fish shall be kept in a clean healthful condition. Live algae shall not be considered an unhealthy condition. Any dead fish shall be removed from aquariums.
- e) Adult cats shall be provided with litter pans at all times. The pans shall be cleaned and sanitized at least once daily or more often if necessary.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 25.50 Shipment of Mammals and Birds

- a) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall:
 - 1) Have a solid floor which may have a false bottom above it.
 - 2) Be so constructed as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.11 - 3.17; 1999 1995) as to provide maximum safety for the particular animal or animals being transported.
 - 3) Have openings on 2 sides and the top to assure adequate ventilation.
- b) In all cases, the crates shall be large enough to provide space for the animals to lie down in an extended position and to allow ease of movement when standing or turning around as prescribed in the rules for the Federal Animal Welfare Act (9 CFR 3.11 - 3.17; 1999 1995). When the temperature is over 85° F., increased space shall be provided within reason.
- c) The crates shall be cleaned before use for each trip.
- d) Food and water containers shall be cleaned and sanitized before each trip.
- e) If bedding is used it shall be clean, dry, and relatively dust-free.
- f) Animals in transit for 4 or more hours shall be offered food 2 hours before loading and fresh water about 30 minutes before loading.
- g) The person or persons responsible for the welfare of the animal or animals while in transit shall:
 - 1) Offer the animals food at least once each 24 hours, except that

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

Section 25.110 Animals Prohibited from Sale

- 2) Offer all animals water at 12-hour intervals at least, except that water shall be offered at 4-hour intervals when the temperature reaches 90° F.
- 3) Clean the crate or crates at least every 24 hours and, if bedding is used, shall provide clean bedding.
- 4) Inspect each animal at 4-hour intervals, or oftener.
- h) No female obviously near parturition shall be transported.
- i) Trucks transporting animals shall provide protection from the sun in hot weather, and protection from cold weather. Adequate ventilation shall be provided in hot weather, and the trucks shall be draft-free in cold weather. Provisions shall be made for warming an area carrying weaned young if the temperature falls below 50° F., and for unweaned young if the temperature falls below 65° F.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 25.110 Animals Prohibited from Sale

- a) Licensees shall not offer skunks for sale as pets as prescribed in Section 3.25 of the Wildlife Code [520 ILCS 5/3.25].
- b) Licensees shall not offer for sale those animals the ownership of which would constitute a violation of Section 1 of the Illinois Dangerous Animals Act [720 ILCS 585/1]. These include the following animals: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, bear, wolf or coyote, or any poisonous or life-threatening reptile. A life-threatening reptile is any member of the crocodilian family or any constricting snake six feet or over in length, such as boa, python, and anaconda.
- c) Licensees shall not possess or offer for sale turtle or viable turtle eggs which would constitute a violation of Section 264 of the Public Health Service Act [USCA 42-8-5-e-A- 264--1995], the rules for that Act (21 CFR 1240.62; 1999 1995) and Section 3372 of the Lacey Act (16 USCA 8-5-e-A- 3372--1995).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Bovine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 75

3) Section Number: Proposed Action:

75.5 Amended

75.10 Amended

75.120 Amended

75.190 Amended

75.200 Amended

4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]

5) A Complete Description of the Subjects and Issues Involved: The Department is updating the CFR incorporations to the 1999 edition of the Code of Federal Regulations in Sections 75.5, 75.10, and 75.120. The latest version of the Brucellosis Eradication: Uniform Methods and Rules, effective February 1, 1998, will be adopted in Sections 75.10, 75.120, 75.190 and 75.200.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Bovine producers.

B) Reporting, bookkeeping or other procedures required for compliance: There are no substantial changes in the 1998 edition of the Uniform Methods and Rules that will affect the Illinois program. The most recent edition of this publication is being adopted for easier accessibility by those who wish to obtain a copy of the program.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75
BOVINE BRUCELLOSIS

Section		
75.5	Definitions	
75.7	Incorporation by Reference	
75.10	Official Classification of the Results of the Brucellosis Blood Test	
75.15	Permits to Conduct Official Brucellosis Tests	
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75.220	Recognition of Brucellosis State Status	
TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)	
TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)	

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed

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August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective January 12, 1996; amended at 20 Ill. Reg. 16181, effective January 1, 1997; amended at 21 Ill. Reg. 17040, effective January 1, 1998; amended at 23 Ill. Reg. 397, effective January 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 75.5 Definitions

The definitions for this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (9 CFR 51.1, 1999 #998).

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998 May-67-19927-as amended-February-2, 1993-and-June-167--1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1999 #998).

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b) The card (Buffered Brucella Antigen) test and Buffered Acidified Plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CITE (Registered) test shall be used as an optional supplemental test whenever the card test is used.

c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; February 1, 1998 May-67 19927-as-amended-February-27-1993-and-June-167--1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1999 1998).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 75.190 Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States

a) In addition to other entry requirements, a prior permit must be obtained for dairy, feeding or breeding cattle or bison, except those consigned direct to slaughter or calves under 6 months of age except as further provided for in this Section, entering Illinois from states designated by the U.S. Department of Agriculture as Class B and Class C under provisions of the Brucellosis Eradication Uniform Methods and Rules as recommended and approved by the United States Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the U.S. Department of Agriculture (February 1, 1998 May-67-19927-as-amended-February-27-1993-and-June-167--1994). Such prior permits shall be obtained by contacting the Bureau of Animal Health, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281, telephone 217/782-4944. Information regarding the origin, destination and shipment is necessary for obtaining a permit.

b) Breeding cattle or bison 12 months of age or over from such states shall be placed under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 45 days nor more than 120 days after entering Illinois. Breeding cattle or bison originating from certified brucellosis-free herds are

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exempt from this provision.

c) All female cattle or bison born after July 1, 1985, if more than 4 months of age, except spayed heifers (female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to slaughter, entering Illinois from Class B or Class C states must be official calfhood vaccinates and vaccination status shall be recorded on the official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B states entering Illinois for feeding purposes only may be identified with a hot iron brand on either or both jaws or either hip using the letter F of not less than three inches in height.

d) Female cattle or bison, except those consigned directly to slaughter, entering Illinois from Class C states shall, in addition to present entry requirements now on file, either originate from a certified brucellosis-free herd or be spayed and be officially identified by a hot iron brand on either or both jaws or on either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle or bison may be spayed after entry into Illinois with prior approval from the Department which will be given upon receipt of the name of the veterinarian who will be performing the operation.

e) Calves under two months of age not accompanied by their dams may be imported from Class C states if they meet the following requirements:

- 1) An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).
- 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official ear tags. The ear tag numbers shall be recorded on the Certificate.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 75.200 Slaughter Cattle and Bison from Class B or Class C States

a) Prior to movement for slaughter, all test-eligible cattle or bison of unknown status originating in Class B or Class C states in accordance with the Brucellosis Eradication Uniform Methods and Rules (February 1, 1998 May-67-19927-as-amended-February-27-1993-and-June-167--1994; as recommended and approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the United States Department of Agriculture) shall:

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- 1) Be subjected to an official test for brucellosis within 60 days prior to movement from the farm of origin, OR
 - 2) Be subjected to an official test for brucellosis at the market or stockyards (first point testing), OR
 - 3) Be permanently identified with a hot iron "S" brand on the left hip and be accompanied to slaughter by USDA Form VS 1-27, OR
 - 4) Be accompanied by USDA Form VS 1-27 and moved direct to slaughter in sealed trucks and/or compartments, with no intermediate stops.
- b) For the purpose of this Section, "test-eligible" cattle or bison means all cattle 18 months of age or over, except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds and bison and 20 months of age for dairy breeds. Finished fat heifers moving in marketing channels direct to slaughter will not be considered as test-eligible cattle or bison.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Definitions
- 2) Code Citation: 8 Ill. Adm. Code 20
- 3) Section Number: Proposed Action:
20.1 Amended
- 4) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].
- 5) A Complete Description of the Subjects and Issues Involved: A definition for "auction market" is being added, and the definition of "marketing center" is clarified to bring these definitions in line with how the terms are currently being used in the Code of Federal Regulations. The definition of "approved eartag" will be clarified to describe what information should be included on the eartag. A clarification is made to the definition of "consignment" by removing the term "marketing center". The definition of "health certificate" is being clarified to state that no alteration of any type is allowed on the health certificate. The Department is updating the CFR citations to and incorporations of the 1999 edition of the Code of Federal Regulations.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of

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Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock producers; auction markets; livestock dealers; and veterinarians.

B) Reporting, bookkeeping or other procedures required for compliance: The definition of "approved eartag" describes what information is to be included on the eartag. There is to be no alteration of information on the health certificate.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS

(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 20

DEFINITIONS

Section

20.1 Definitions

AUTHORITY: Implementing and authorized by Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; and Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

SOURCE: Regulations Relating to the Bureau of Animal Health and the Bureau of Animal Welfare, Definitions, filed January 27, 1966, effective January 27, 1966; amended May 3, 1972, effective May 14, 1972; codified at 5 Ill. Reg. 10437; amended at 8 Ill. Reg. 5915, effective April 23, 1984; amended at 9 Ill. Reg. 18404, effective November 19, 1985; amended at 10 Ill. Reg. 9747, effective May 21, 1986; amended at 12 Ill. Reg. 8275, effective May 2, 1988; amended at 18 Ill. Reg. 1844, effective January 24, 1994; amended at 20 Ill. Reg. 1522, effective January 12, 1996; amended at 23 Ill. Reg. 404, effective January 1, 1999; amended at 23 Ill. Reg. _____,

Section 20.1 Definitions

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.

"Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Approved eartag" means an eartag that is tamper resistant, has been approved for use either by the U.S. Department of Agriculture or the

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Illinois Department of Agriculture, and conforms either with a nine digit alphanumeric system starting with "33" (the postal code for Illinois) followed by three letters and four numbers or with a three letter and four number system on one side and either "Illinois" or "IL" on the reverse side. Information concerning manufacturers of approved ear tags may be obtained from the Department.

"Approved health certificate" means one that has been so endorsed by the Animal Health Official of the state of origin.

"Approved laboratory" means one of the animal disease laboratories operated by the Department, the State-Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.

"Auction market" means a licensed livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold.

"Brucellosis" means the disease wherein an animal is infected with Brucella micro-organisms irrespective of the occurrence or absence of clinical signs.

"Certified Brucellosis-Free Herd" means one in which at least two annual negative official tests for brucellosis have been conducted on all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

"Consignment" means a document issued by the owner or shipper of livestock, designating the name of the owner and/or shipper; place of origin; stockyard, auction market, or packing plant; ~~or~~ marketing center of destination; date of shipment; and number and description of livestock, certified to by the owner or shipper, kept in possession of the carrier and delivered to a stockyard, auction market, or packing plant; ~~or~~ marketing ~~center~~ of destination upon acceptance. This consignment shall be held by the stockyard, auction market, or packing plant; ~~or~~ marketing ~~center~~ for a period of not less than six months for inspection by the legally authorized officials of the United States Department of Agriculture and the Department and other officials having police powers.

"Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts.

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"Department" or "Department of Agriculture", unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture.

"Federal Inspector" means an Animal Health Technician employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Feeder female cattle" means female bovines of the beef breeds 6-18 months of age that have not been tested for brucellosis prior to sale.

"Feeder swine" or "feeding swine" means swine under four months of age, weighing less than 180 pounds and not requiring testing as breeding swine or swine consigned directly to slaughter.

"Health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service, and issued by an accredited veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the animals or birds listed thereon meet the health requirements of the state of destination. The health certificate shall contain the name and complete mailing address of the consignor, the name and complete mailing address of the consignee, and an accurate description or identification of the animals or birds involved, and shall also indicate the health status of the animals or birds, including the dates and results of required tests and dates of vaccination, if any. A health certificate is valid for 30 days after issuance, except when specific exemptions are made for exhibition livestock. The two copies of the health certificate that are labeled "Division Copy" shall be submitted to the Department within 30 days after issuance. No alteration of any type is allowed on a health certificate.

"Infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges, when the animal has been classified as such by a State or Federal epidemiologist.

"Infectious disease" means the reaction resulting from the introduction into the body of a specific disease-producing organism or its toxic product.

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"Infestation" or "infested with" means the invasion of the body by animal parasites.

"Market Cattle Identification Program" means the brucellosis testing program of market cattle that is part of the National Brucellosis Eradication Program (9 CFR 78 [1999]) (1998). Incorporation by reference does not include any later amendments or editions beyond the date specified. In accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/2], the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis infected herds.

"Marketing Center" means an approved livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold and that has been approved under 9 CFR 71.20 (1999). ~~a licensed livestock auction market that has been designated as a specifically approved stockyard by the Department and the United States Department of Agriculture (9 CFR 78.44 (1998)). Incorporation by reference does not include any later amendments or editions beyond the date specified. Marketing centers shall enter into a Memorandum of Understanding with the United States Department of Agriculture and the Department and comply with the standards set forth in that Memorandum.~~

"Negative exposed cattle" means a test negative animal in an infected herd.

"Official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10, approved by the Department and the Animal and Plant Health Inspection Service, which is based on a standard test that is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.

"Public stockyard" means a stockyard where trading in livestock is conducted, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where State and/or Federal inspection is maintained for the inspection of livestock for communicable disease, such as Peoria Union Stockyards located at Peoria.

"Quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals.

"Recognized slaughtering establishment" means an establishment where

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slaughtering is conducted under Federal or State inspection.

"Restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises.

"Ring test" or "brucellosis ring test (BRT)", means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.

"State Inspector" means an Animal and Animal Products Investigator employed by the Illinois Department of Agriculture.

"Suspicious animal" or "suspect" means an animal that has given a positive reaction to an official test and whose test results are less than that which would result in a classification of reactor.

"Tuberculosis-free Accredited Herd" means one for which a certificate of accreditation has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Diseased Animals

2) Code Citation: 8 Ill. Adm. Code 85

3) Section Number: Proposed Action:

85.5	Amended
85.15	Amended
85.50	Amended
85.55	Amended
85.75	Amended
85.110	Amended
85.115	Amended
85.135	Amended

4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

5) A Complete Description of the Subjects and Issues Involved: The Department is updating the CFR citations to the 1999 edition of the Code of Federal Regulations in Sections 85.5, 85.15, 85.75, and 85.115. Section 85.55(c) is being amended to allow herds that have been quarantined for scrapie to enter into an approved flock plan (9 CFR 97.1, 1999) as a means to be released from quarantine. Grounds for revocation of goat certification are added to Section 85.50. Section 85.135 is being amended to adopt the new national Johne's disease program that was approved in October 1998. The latest version of the Brucellosis Eradication: Uniform Methods and Rules, effective February 1, 1998, will be adopted in Section 85.110 and deleted from Section 85.50 as it no longer includes any references to goats.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m.,

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Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Farmers, livestock producers, veterinarians, public stockyards, auction markets, marketing centers, exhibitors.

B) Reporting, bookkeeping or other procedures required for compliance: There are no substantial changes in the 1998 edition of the Uniform Methods and Rules that will affect the Illinois program other than the deletion of references to goats. There is no change in the goat certification program. The most recent edition of this publication is being adopted for easier accessibility by those who wish to obtain a copy of the program. Adoption of the national Johne's Disease Certification Program will make it easier and less expensive for cattle herds to enter and remain in the program due to fewer testing requirements. Charges for Johne's testing were reduced at the laboratories operated by the Department to encourage producers to enter the program.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85

DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
85.80	Sheep
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall Be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites
85.130	Vesicular Stomatitis
85.135	Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johne's disease) Certification Program

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

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SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 85.5 Definitions

Definitions for the rules of this Part are located in the general definitions Section (8 Ill. Adm. Code 20.1) and apply to the rules of this Part. The following definitions shall also apply to the rules of this Part:

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture (9 CFR 160, 161 and 162; 19991998).

"Exposed to" means an animal that has come in contact with another animal or an environment that is capable of transmitting a contagious, infectious or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement.

"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.

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(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10 - 71.12; 1999i998).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 85.50 Goats

a) Brucellosis in Goats

- 1) When a serologic test for brucellosis in goats discloses one or more reactors, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals and the number of times as requested by the Department. The length of the quarantine period shall be determined by the Department.

- 2) All brucellosis agglutination blood tests of goats shall be made at an approved laboratory.

b) Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Goats

1) General Requirements

- A) Certified brucellosis-free herd certificates, which shall be valid for one year, unless revoked due to disclosure of brucellosis in the herd in accordance with the procedures as adopted by the United States Animal Health Association (P.O. Box--R227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23207) and as outlined for cattle certificate revocation in the Brucellosis Eradication Uniform Methods and Rules effective May--67--1992, amended February 27--1993, and June 167-1994, published by the United States Department of Agriculture, Animal and Plant Health Inspection Service, shall be issued by the Department.

- B) Certificates shall be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of a certified brucellosis-free herd.

- C) A "herd" shall be considered as including all animals 6 months of age and over and shall consist of at least 5 animals.

- D) All animals in the herd shall be identified by registration

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- E) number, individual tattoo, or ear tag.
All official blood tests of goats shall be conducted at an approved laboratory.

2) To Qualify for Certification

- A) Herds shall be certified upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
- B) Animals classified as suspects, in herds that are otherwise negative, must be retested at 30-day intervals until their status has been determined. If the suspects are sold or otherwise disposed of before their status has been determined, the entire herd must be retested to achieve a negative herd status. If the suspects are classified as reactors upon retest, the herd is considered to be infected. Diseased goats may only be consigned directly to a slaughtering facility and must be accompanied by a "Permit for Movement, VS Form 1-27".
- C) If on the initial herd test, or as a result of any retests of animals in the herd, one or more reactors are disclosed, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals and the number of times as requested by the Department. The length of the quarantine period shall be determined by the Department.

3) To Qualify for Recertification

- A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous certification. Upon receipt of a negative herd test, the Department shall extend certification for 12 months from the anniversary date.
- B) If the annual test for recertification is conducted within 60 days following the anniversary date and all the animals are negative, certification will be restored and the certification period will be 12 months from the anniversary date.
- C) If the annual test for recertification is not conducted within 60 days following the anniversary date, certification is cancelled and recertification requirements are then the same as for initial certification.
- D) If suspects or reactors are disclosed on a recertification test, their disposition and herd retest requirements shall be the same as specified in subsection (b)(2)(B) and (C) of this Section.
- E) All official blood tests of goats shall be conducted at an approved laboratory.

4) Additions to Certified Brucellosis-Free Herds

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- A) Animals originating from other certified herds may be added without tests.
- B) Animals originating from herds not certified may be added; provided, they are negative to an official brucellosis test within 60 days prior to addition, are held in isolation from other members of the certified herd for a minimum period of 30 days and are retested and negative at the end of this isolation period.
- C) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 30 days and are included in a complete herd retest.
- c) Other Contagious Diseases. All goats, including dairy goats, will not be allowed to be exhibited in Illinois and must be removed immediately from the exhibition area if showing signs of any of the following conditions:
- 1) Lesions of contagious ecthyma (sore mouth).
 - 2) Active lesions of ringworm with resulting loss of hair.
 - 3) Caseous lymphadenitis as evidenced by draining abscesses.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 85.55 Scrapie in Sheep and Goats

- a) No sheep or goats which are known to be from an infected or source flock as defined in the Voluntary Scrapie Flock Certification Program Standards as approved by the United States Department of Agriculture, effective October 17, 1997 and no progeny of sheep or goats known to be from an infected or source flock shall be transported or moved into or within the State of Illinois, except as provided in 8 Ill. Adm. Code 40.190(c).
- b) Scrapie monitored herds may be established and maintained in accordance with the Voluntary Scrapie Flock Certification Program Standards.
- c) When a herd has been designated as an infected or source flock, the flock will be placed under quarantine and will remain under quarantine until the flock has been depopulated, or enters into the Voluntary Scrapie Flock Certification Program, or develops an approved flock plan (9 CFR 79.1 (1999)). No animals will be allowed to move from the quarantined flock except for slaughter or medical treatment or examination.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 85.75 Cattle Scabies -- Additional Requirements on Cattle from Certain Designated Areas

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- a) A prior permit must be obtained from the Department before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.
- b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (1999+1998).
- c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; 1999+1998).

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 85.110 Additional Requirements on Cattle From Designated States

Female cattle, except those consigned direct to slaughter or calves under 6 months of age, entering Illinois for feeding purposes from states designated by the U. S. Department of Agriculture as Class B and Class C states under provisions of the Brucellosis Eradication Uniform Methods and Rules (February 1, 1998 ~~May-67-1992-as-amended-February-27-1993-and-June-167-1994~~) as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and the U.S. Department of Agriculture shall, in addition to present entry requirements now on file, be tagged in the right ear with an official ear tag identifying the cattle to the state of origin. The ear tag series shall be recorded on the official interstate health certificate, or on the owner-shipper statement. These official, uniformly numbered ear tags may be applied by anyone.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 85.115 Salmonella enteritidis serotype enteritidis

- a) The United States Department of Agriculture has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36 (1999+1998) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.
- b) All flocks found to be infected with Salmonella enteritidis serotype

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enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for Salmonella enteritidis serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).

- c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Interstate movement requirements shall be the same as interstate movement requirements.

- d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:

- 1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;
- 2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;
- 3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. S. Enteritidis Monitored" for egg type birds and "U.S. S. Enteritidis Clean" for meat type birds under the National Poultry Improvement Plan and Auxiliary provisions (9 CFR 145 and 147; 1999-1998);
- 4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d); 1999-1998);
- 5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;
- 6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and
- 7) Replacement poultry shall be from flocks that are classified "U.S. S. Enteritidis Monitored" or "U.S. S. Enteritidis Clean" under the National Poultry Improvement Plan and Auxiliary provisions.

- e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:

- 1) Initial purchase price of each bird;
 - 2) Age of the bird and its egg production capabilities or value for producing progeny; and
 - 3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.
- f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made,

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indemnity will not be paid for the flock.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 85.135 Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johnes's disease) Certification Program

a) The following definitions shall be applicable to this Section:

- 1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis of its using USDA approved methods).
- 2) "Animal" means cattle, bison, buffalo, sheep, goats, llamas, or members of the cervid family.
- 3) "Herd or flock" means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd or flock owner or manager. Each separate species of animal shall be considered as a separate herd or flock.
- 4) "Positive animal" means an animal infected with Mycobacterium avium paratuberculosis, only if M. avium paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.
- 5) "M. avium paratuberculosis-Detection Test" or "organism detection test" means any test sufficiently sensitive and specific for detection of M. avium paratuberculosis in bovine or caprine fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis and Proficiency Program. Any test approved by the U.S. Department of Agriculture for M. avium paratuberculosis organism detection (i.e., fecal culture test for M. avium paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.
- 6) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to M. avium paratuberculosis in bovine or caprine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the National Paratuberculosis Certification Program (October 1998-1999), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue,

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Richmond, Virginia 23228). Any test approved by the U.S. Department of Agriculture for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

7) ~~test-positive animals means an animal that has been found positive on the serum-antibody test or any other test for M. paratuberculosis.~~

b) Criteria for herds qualified to enter into the certification program:

1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.

2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.

3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.

4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable means of an approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, ear tattoos, USDA uniform series ear tag (metal tags), freeze branding and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.

c) Voluntary Johnne's disease herd status for cattle shall be established and maintained in accordance with the Voluntary Johnne's Disease Herd Status Program (October 1998) that was developed by the National Johnne's Working Group and the Johnne's Committee of the U.S. Animal Health Association and approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.

d) Criteria for certifying bison, buffalo, sheep, goats, llamas or members of the cervid family herds or flocks under the Illinois Voluntary Johnne's Disease Herd or Flock Certification Program.

1) The following certification levels will be awarded compliance with certification requirements:

1) Level 1 - herd or flock tested negative after one sampling.

2) Level 2 - herd or flock tested negative after two samplings.

3) Level 3 - herd or flock tested negative after three samplings.

4) Level 4 - herd or flock tested negative after four samplings.

5) Level 5 - herd or flock tested negative after five samplings.

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6) Level 5 Monitored - herd or flock tested negative after six or more samplings.

2) Certification requirements:

A) For annual certification, all animals 24 months of age and older must be tested.

B) Certified herds or flocks must be tested every 12 months (+/- 2 months).

C) All tests must be performed at an accredited laboratory.

4) The following annual testing protocol shall be followed for cattle and goats:

A) Serums 1-3 and 5 - blood - for the detection of serum antibodies against *M. paratuberculosis* (i.e., BtSA).

B) Serums 2 and 4 - feces - for the detection of *M. paratuberculosis* (i.e., fecal culture).

C) Serum 5 - Monitor either type of test at the option of the owner.

D) For all animals other than cattle and goats, an organism detection test for *M. avium* paratuberculosis (i.e., fecal culture) must be conducted.

E) All blood collection must be done by an accredited veterinarian. Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.

F) The owner must certify on an agreement form prescribed by the Department:

i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds or flocks enrolled in a *M. avium* paratuberculosis program and are at the same or higher level than the herd or flock. Animals purchased from herds or flocks participating in *M. avium* paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.

ii) At each test date, all animals in the herd or flock 24 months of age or older were sampled and included in the herd or flock test.

iii) At each test date, a list identifying all animals previously tested but no longer in the herd or flock must be provided to the Department.

iv) At each test date, all animals added to the herd or flock since the last herd or flock test were natural additions to (born into) the herd or flock, purchased from participating herds or flocks, or were tested at the time of arrival on the premises (see Section 85.135(d)(6)).

v) At each test date, with a written statement sent to

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the Department certifying to the best of his/her knowledge no animal that left the herd or flock tested positive for paratuberculosis or was exhibiting clinical signs of Johne's disease.

- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's or flock's status.

- 4) Handling of animals exhibiting clinical signs test--positive animals:

A) All animals exhibiting clinical signs of M. avium paratuberculosis must be tested and isolated from the herd or flock pending the test results. An organism detection test (i.e., fecal culture) must be used on feces from animals exhibiting clinical signs. Either the serum-antibody test or feces-for-organisms-detection may be used for cattle and goats--and the feces-for-organisms-detection test for other types of animals.

- 2) Cattle or goats found positive on a serum-antibody test--must be retested by a fecal-Mr. paratuberculosis-detection test as soon as possible--but not more than 30 days after official notification from the Department.

- 3) The certified cattle or goat herd will maintain its--present certification--status--pending the results--of the--Mr. paratuberculosis-detection test.

B) A negative result on the M. avium paratuberculosis detection test will allow the herd or flock to move to the next certification level.

- 5) If cattle or goats are removed from the herd while waiting for serum-antibody test results, a fecal sample shall be collected by an accredited veterinarian--and submitted to an accredited laboratory. The sample will be tested for Mr. paratuberculosis if the antibody test is positive.

- 5) Suspension or revocation of herd or flock certification:

A) Identification of a positive animal using the organism detection test during the certification herd or flock test will result in the loss of certification status. The next negative test will qualify the herd or flock for Level 1 certification.

If a positive animal is detected on any other test for Johne's disease during the current certification period other than by an organism detection test, the herd's or flock's certification will be suspended pending a confirmatory organism detection test of that animal.

- 2) Failure to collect a feces sample and submit it to an accredited laboratory within 30 days after notification of a test-positive animal will result in loss of certification status. The next negative herd test will qualify the herd for Level 1 certification.

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B) Herds or flocks not tested within 14 months after the last sampling will lose their certification status. The next negative herd or flock test will qualify the herd or flock for Level 1 certification.

- 6) Herd or Flock Additions. Animals A-negative-serum-antibody test is required for all cattle or goats being added to the herd prior to arrival on the premises, and an organism-detection test must be submitted to an accredited laboratory no later than 15 days after arrival. For animals other than cattle or goats, animals purchased from another herd or flock participating in a M. avium paratuberculosis certification program may enter the herd or flock without further testing, and will be tested along with the herd or flock at the next annual test. Animals originating from herds or flocks that are not participating in an M. avium paratuberculosis certification program must be isolated from the other members of the herd or flock until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd or flock, and there can be no chance of fecal contamination from the animal.

- 7) Protocol if an animal sold from a certified herd or flock is identified as positive:

A) If an animal sold from a certified negative herd or flock is identified as positive by an organism detection test within 16 months after the date of sale, the selling certified herd or flock may, within 120 days of being notified, be required to conduct a herd or flock retest of all eligible animals by both the serum-antibody and organisms-detection tests. Determination of retesting of the herd or flock will be made by the Director based upon, but not limited to, the level of certification of the herd or flock, the last negative organism detection test of the herd or flock and the status of the other animals in the purchasing herd or flock, if known.

B) The selling certified herd or flock will maintain its present certification status pending the results of the herd or flock test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.

C) If the herd or flock retest is negative, the herd will maintain its "present" certification status. The herd or flock owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd or flock test is not due until 12 months after the retest.

D) If a positive animal is identified on this retest, the selling herd or flock will lose its certification status. The next negative herd or flock test will qualify the herd

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or flock for Level 1 certification.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Horsemeat

2) Code Citation: 8 Ill. Adm. Code 70

3) Section Number: Proposed Action:
70.80 Amended

4) Statutory Authority: Illinois Horse Meat Act [225 ILCS 635]

5) A Complete Description of the Subjects and Issues Involved: The Department is updating the CFR citation to the 1999 edition of the Code of Federal Regulations in Section 70.80.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Horse slaughterers.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements.
- C) Types of professional skills necessary for compliance: No additional professional skills are needed.

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER 1: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 70
 HORSEMEAT

Section	
70.10	Enforcement
70.20	Consent Statement
70.30	Types of License
70.40	Breeders and Raisers of Fur-Bearing Animals
70.50	Processor's License
70.60	Retail Sale (Repealed)
70.70	Interstate Sale
70.80	Identification by Roller Stamp
70.90	Denaturing
70.100	Chilling
70.110	Marking Vehicles Used in Distribution
70.120	Special Permits (Repealed)
70.130	Sanitary Requirements
70.140	Records and Inventory
70.150	Samples
70.160	Transportation and Transactions

AUTHORITY: Implementing and authorized by the Illinois Horse Meat Act [225 ILCS 635].

SOURCE: Rules and Regulations Relating to the Slaughtering and Butchering of Equine Animals and the Sale and Distribution of the Meat Therefrom, filed April 27, 1970, effective May 7, 1970; codified at 5 Ill. Reg. 10451; amended 7 Ill. Reg. 859, effective January 10, 1983; amended at 18 Ill. Reg. 14906, effective September 26, 1994; amended at 23 Ill. Reg. _____, effective _____.

Section 70.80 Identification by Roller Stamp

When an animal is slaughtered the entire carcass must be identified as HORSE MEAT, immediately after the hide has been removed, by means of a roller stamp using green ink. It shall be stamped so that no surface of 6 square inches or more of the carcass shall be without the stamp HORSE MEAT to identify it as such. This rule does not apply to a breeder or raiser of fur-bearing animals who may hand-stamp the carcasses. This rule does not apply to whole, half, or quarter carcasses of horse meat slaughtered in a federally inspected plant under supervision of the U.S. Department of Agriculture (U.S.D.A.) and stamped by the U.S.D.A. in accord with the Federal regulations (9 CFR 312.3; 1999 1994).

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(Source: Amended at 23 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 80
- 3) Section Number: Proposed Action: Amended 80.130
- 4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is updating the CFR incorporation to the 1999 edition of the Code of Federal Regulations in Section 80.130.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Bovidae producers.

B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 80

ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section	
80.10	Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.20	When Indemnity Will Be Paid on Tests
80.30	Herds Quarantined Because of Suspected Tuberculosis Infection
80.40	Identification Tags Not To Be Removed
80.50	Infected Herd Depopulation (Repealed)
80.60	Cattle for Immediate Slaughter (Repealed)
80.70	Feeding or Grazing Cattle (Repealed)
80.80	Female Cattle--Beef Breeds--18 Months and Over (Repealed)
80.90	Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110	Dairy or Beef Cattle, Bison or Steers
80.120	Tuberculin Tests
80.130	Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140	Cervidae

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 23 Ill. Reg. 428, effective January 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds

a) General Requirements

1) Accredited tuberculosis-free herd certificates, which shall be

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

valid for one year, unless revoked in accordance with the procedures outlined in the Bovine Tuberculosis Eradication Uniform Methods and Rules, effective June 1997, Part III B, Accredited Herd Plan for Dairy Goats (9 CFR 77.1, 1999 #998), shall be issued by the Department. This incorporation by reference does not include any future editions or amendments beyond the date specified.

- 2) Certificates may be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.
- 3) A "herd" shall be considered as including all animals 12 months of age and over and shall consist of at least 5 animals.
- 4) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.
- 5) All official tuberculin tests shall be conducted by an accredited veterinarian or a veterinarian in the employ of the Illinois Department of Agriculture or the United States Department of Agriculture.

b) To Qualify for Accreditation

- 1) Herds shall be accredited upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
- 2) If a reaction to the tuberculin test is disclosed, the veterinarian reading the test shall, within 24 hours, notify the Department by collect telephone call and make arrangements for a veterinarian trained in conducting the comparative cervical test to retest the animal within 10 days after the original injection. If the animal is identified as a reactor as a result of the comparative cervical test, personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a quarantine, supervise disposition of reactor animals, and conduct additional tests on members of the herd.

c) To Qualify for Reaccreditation

- 1) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Department shall extend accreditation for 12 months from the anniversary date.
- 2) If the annual test for reaccreditation is conducted within 60 days following the anniversary date, certification will be restored and the accreditation period will be 12 months from the anniversary date.
- 3) If the annual test for reaccreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.
- 4) If a reaction to the tuberculin test is disclosed at the time of

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the reaccreditation test, the procedure outlined in subsection (b)(2) of this Section shall be followed.

- d) Additions to Accredited Tuberculosis-Free Herds
 - 1) Animals originating from other accredited herds may be added without tests.
 - 2) Animals originating from herds not accredited may be added, provided they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.
 - 3) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Number:
40.60 Amended
40.120 Amended
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23]
- 5) A Complete Description of the Subjects and Issues Involved: Section 40.60 will be amended to reflect the current definition and usage of the term "marketing center". In Section 40.120, the February 1, 1998 edition of the Brucellosis Eradication Uniform Methods and Rules will be adopted.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of

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- Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock auction markets; cattle producers; livestock dealers.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements.
 - C) Types of professional skills necessary for compliance: No additional professional skills are necessary.
 - 13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS

(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 40

LIVESTOCK AUCTION MARKETS

Section

- 40.5 Definitions
- 40.10 Fee to Accompany Application Not To Be Refunded
- 40.20 Release of Livestock for Interstate Shipment
- 40.30 Veterinary Inspection
- 40.40 Veterinary Office
- 40.50 Detection of Diseased Animals
- 40.60 Bovine Brucellosis
- 40.70 Quarantine Pen
- 40.80 The Sale of Livestock for Immediate Slaughter
- 40.90 Test Chute
- 40.100 Brucellosis Test
- 40.110 Sale of Official Brucellosis Calfhood Vaccinates
- 40.120 Feeder Cattle Subject to Quarantine
- 40.130 Backtagging
- 40.140 Yarding and Housing
- 40.150 Display License (Repealed)
- 40.160 Sale Day
- 40.170 Swine
- 40.180 Swine Which React to Test for Brucellosis
- 40.190 Sheep
- 40.200 Surety Bonds and Other Pledged Security
- 40.210 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
- 40.220 Swine Movement Limitations (Repealed)
- 40.230 Disposition of Rejected Feeding or Breeding Swine
- 40.240 Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20

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Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 23 Ill. Reg. 441, effective January 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 40.60 Bovine Brucellosis

- a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.
- b) The reactors when sold for slaughter shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/5]. The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a ~~livestock--auction--market designated--as--a~~ marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals". A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bought shall be allowed without the approval of the Department.
- c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only and shall not be diverted en route and shall go only to the destination listed on the VS Form 1-27. No change of ownership of any reactor or suspect animal after the animal has been bought shall be allowed without the approval of the Department. Unless cattle are being returned to the farm of origin, they shall be identified by an ear tag provided by the Department and by branding with a hot iron the letter "S" on the left hip in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 40.120 Feeder Cattle Subject to Quarantine

All female cattle of beef breeds over 6 and under 18 months of age from states that are not brucellosis Class Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association

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(P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998 ~~May-67-1992~~, ~~as-amended-February-27-1993-and--June--167--1994~~) and the United States Department of Agriculture and/or 9 CFR 78.1 (1999) ~~(1990)~~ sold or released from a livestock auction market for feeding or grazing purposes are subject to quarantine (8 Ill. Adm. Code 75.130) and shall be reported on Form M-107 Revised to the Department following each sale or at the end of each week.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Livestock Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 610
- 3) Section Number: Proposed Action:
610.50 Amended
- 4) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 645]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is updating the CFR incorporation to the 1999 edition of the Code of Federal Regulations. The latest version of the Brucellosis Eradication: Uniform Methods and Rules, effective February 1, 1998, will also be adopted.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than April 2, 1999, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory

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NOTICE OF PROPOSED AMENDMENTS

Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock dealers.

B) Reporting, bookkeeping or other procedures required for compliance: There are no substantial changes in the 1998 edition of the Uniform Methods and Rules that will affect the Illinois program. The most recent edition of this publication is being adopted for easier accessibility by those who wish to obtain a copy of the program.

C) Types of professional skills necessary for compliance: No additional professional skills are needed.

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: it was inadvertently omitted.

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER II: DEPARTMENT OF AGRICULTURE

PART 610

LIVESTOCK DEALER LICENSING

Section

610.5	Definitions
610.10	Entry Requirements
610.20	Breeding Cattle Health Requirements (Repealed)
610.30	Swine Health Requirements
610.40	Prevention of Spread of Livestock Diseases
610.50	Feeder Cattle
610.60	Slaughter Animals
610.70	Care of Livestock (Repealed)
610.80	Inspection
610.90	Identification Not to be Removed or Altered
610.100	Compliance with Market Cattle Identification Program
610.110	Surety Bonds and Other Pledged Security
610.120	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
610.130	Director as Trustee on Surety Bonds (Repealed)
610.140	Dealer's Agent (Repealed)
610.150	License Application

AUTHORITY: Implementing and authorized by the Illinois Livestock Dealer Licensing Act [225 ILCS 645].

SOURCE: Rules and Regulations Relating to the Livestock Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; amended May 3, 1972, effective May 13, 1972; June 20, 1973, effective July 1, 1973; April 5, 1976, effective April 15, 1976; amended at 2 Ill. Reg. 34, p. 166, effective August 24, 1978; codified at 5 Ill. Reg. 10573; amended at 8 Ill. Reg. 5973, effective April 23, 1984; amended at 13 Ill. Reg. 3690, effective March 13, 1989; amended at 18 Ill. Reg. 1875, effective January 24, 1994; amended at 20 Ill. Reg. 1552, effective January 12, 1996; amended at 20 Ill. Reg. 16197, effective January 1, 1997; amended at 21 Ill. Reg. 17091, effective January 1, 1998; amended at 23 Ill. Reg. 446, effective January 1, 1999; amended at 23 Ill. Reg. _____, effective _____.

Section 610.50 Feeder Cattle

Livestock dealers purchasing animals for feeding purposes shall:

- a) Keep such cattle separate from breeding cattle.
- b) Submit to the Department a weekly report (on Department Form M-107) of the sale of all out-of-state female feeder cattle over 6 and under 18 months of age from states that are not brucellosis Class-Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114,

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NOTICE OF PROPOSED AMENDMENTS

1610 Forest Avenue, Richmond, Virginia 23228, February 1, 1998 May--67
 1992,--as--amended--February-27-1993-and-June-167-1994) and the United
 States Department of Agriculture and/or 9 CFR 78.1 (19991998), giving
 the date of each sale, number sold, age, breed, and the name and
 address of the purchaser.

(Source: Amended at 23 Ill. Reg. _____, effective
 _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Marketing Center (Livestock)
- 2) Code Citation: 8 Ill. Adm. Code 45
- 3) Section Number: Proposed Action:
 45.10 Repealed
 45.20 Repealed
 45.120 Repealed
 45.150 Repealed
- 4) Statutory Authority: Section 8a of the Livestock Auction Market Law [225
 ILCS 640/8a]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is
 being repealed: (1) The requirements in Section 45.20 are currently in the
 Livestock Auction Market Law; (2) In Section 45.120, the requirement to
 file Form M-106 is no longer necessary; and (3) A proposed amendment to
 Definitions, 8 Ill. Adm. Code 20, will add the definition and requirements
 of a marketing center.
- 6) Will this proposed rule replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rule does not affect units of
 local government.
- 11) Time, Place and Manner in which interested persons may comment on this
 proposed rulemaking: A 45-day written comment period will begin on the day
 this notice of rulemaking appears in the *Illinois Register*. In addition
 to the written comment period, a public hearing on the proposed repealer
 will be held on Thursday, April 8, 1999 at 10:00 a.m., Department of
 Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield,
 Illinois. Please mail written comments on the proposed rulemaking to the
 attention of:

Debbie Wakefield
 Department of Agriculture
 State Fairgrounds, P.O. Box 19281
 Springfield IL 62794-9281
 Telephone: 217/785-5713
 Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the

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NOTICE OF PROPOSED REPEALER

public hearing, please mail no later than April 2, 1999. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Marketing centers.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED REPEALER

TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER 1: DEPARTMENT OF AGRICULTURE

SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS

(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 45

MARKETING CENTER (LIVESTOCK) (Repealed)

Section	Definition
45.10	Out-of-State Cattle Consignment; Permit
45.20	Release of Livestock for Interstate Shipment (Repealed)
45.30	Report on Tests of Animals Sold or Released (Repealed)
45.40	Disinfecting Contaminated Alleyways, Pens and Chutes (Repealed)
45.50	Floors; Marketing Center (Repealed)
45.60	Protection of Livestock from Inclement Weather (Repealed)
45.70	Sale Ring (Repealed)
45.80	Care and Handling of Livestock (Repealed)
45.90	Records (Repealed)
45.100	Out-of-State Female Cattle and Steers; Consignment (Repealed)
45.110	Reporting Receipt of Out-of-State Cattle
45.120	Dial System Scale (Repealed)
45.130	Hearing; Removal of Official Designation as a Marketing Center (Repealed)
45.140	Requirements for a Marketing Center
45.150	

AUTHORITY: Implementing and authorized by Section 8a of the Livestock Auction Market Law [225 ILCS 640/8a]

SOURCE: Regulations Governing a Marketing Center, filed January 17, 1972, effective January 27, 1972; amended May 3, 1972, effective May 13, 1972; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10444; amended at 8 Ill. Reg. 5985, effective April 23, 1984; amended at 14 Ill. Reg. 1949, effective January 19, 1990; repealed at 23 Ill. Reg. _____, effective _____.

Section 45.10 Definition

The definitions for the rules of this Part shall be as set forth in the general definitions section (8 Ill. Adm. Code 20.1).

Section 45.20 Out-of-State Cattle Consignment; Permit

- a) All out-of-state cattle consigned to a marketing center shall be accompanied from point of origin by a permit issued by the division or by a consignment issued by the owner or shipper of the cattle, designating the name of the owner or shipper, place of origin, marketing center of destination, date of shipment, and number and

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NOTICE OF PROPOSED REPEALER

description of cattle, and that the cattle in said consignment are free from visible evidence of any known contagious or infectious disease.

- b) *This consignment shall be held by the marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture and the Illinois Department of Agriculture and other officials having police powers. (See Section 1 of the Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121 1/2, par. 208)).*

Section 45.120 Reporting Receipt of Out-of-State Cattle

A report of the receipts of all out-of-state cattle shall be made to the Division on forms to be furnished by the Division (Form M-106) immediately following each day's sale, or at the end of each week if the marketing center operates more than one day each week, whichever the case may be.

Section 45.150 Requirements for a Marketing Center

A marketing center shall be a licensed livestock auction market and shall comply with all requirements of the Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121 1/2, pars. 208 et seq., as amended by P.A. 86-231, effective August 15, 1989), and the rules issued pursuant thereto (8 Ill. Adm. Code 40) and United States Department of Agriculture regulations pertaining to a Specifically Approved Stockyard (9 CFR 78.25b (1989)).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Consignment of Licenses, Stamps and Permits

- 2) Code Citation: 17 Ill. Adm. Code 2520

- 3) Section Numbers: 2520.60
Proposed Action: New Section

- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add a new Section on Sale of Licenses by Telephone or Electronic Transmission. This amendment will allow customers the ability to purchase licenses, stamps or permits by telephone or electronic transmission (such as the Internet).

- 6) Will this rulemaking replace any emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses affected will be those that opt to be license vendors selling licenses via the telephone. The new process does not change the way licenses are sold over-the-counter.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance: The issuing agent will be required to issue a confirmation number at the time of the call to the buyer, complete and mail the license to the customer, and update a central computer database via dialing into the computer network at the time of sale.

C) Types of professional skills necessary for compliance: Computer keyboarding and communication skills.

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2520

CONSIGNMENT OF LICENSES, STAMPS AND PERMITS

Section	
2520.10	Consignment Requirements
2520.20	Issuing Licenses, Stamps and Permits
2520.30	Terms
2520.40	Credit to Vendor Accounts
2520.50	Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits
2520.60	Sale of Licenses by Telephone or Electronic Transmission

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983; amended at 8 Ill. Reg. 5660, effective April 16, 1984; amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. 9991, effective June 21, 1994; amended at 19 Ill. Reg. 7541, effective May 26, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 14417, effective October 25, 1996; amended at 21 Ill. Reg. 6483, effective May 19, 1997; amended at 22 Ill. Reg. 10466, effective June 1, 1998; amended at 23 Ill. Reg. _____, effective _____.

Section 2520.60 Sale of Licenses by Telephone or Electronic Transmission

a) Persons or businesses authorized to issue licenses, stamps or permits and wishing to perform this service by telephone or electronic transmission (such as the Internet) while passing on to the customer a transaction cost above the 50-75 cent issues fee must:

- 1) Make a request to the Department in writing detailing the proposed process and indicating the types of licenses, stamps or permits that would be sold from the service.
- 2) Comply with all existing license vendor regulations.
- 3) If a telephone service is offered, it must be a toll-free phone service.
- 4) Package and ship the license, stamp or permit within 24 hours after receipt of the customer request.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 5) Retain sales information for at least 24 months.
- 6) Allow Department staff to audit the process and vendor books.
- b) The issuing agent may charge a convenience fee to the customer not to exceed \$4 to cover the cost of the transaction, including mailing and handling fees. Any convenience fee passed on to the customer must be clearly identified to minimize confusion by clarifying that the fee is not a license fee increase and not a fee passed on to the Department.
- c) If a confirmation number is assigned to the customer for the transaction, the issuing agent will:
- 1) Seek and obtain permission from the license buyer to put the buyer's signature or initials on the signature area of the license.
 - 2) Record the buyer's driver's license number and state of issue or some other means of identification to identify place of legal residency when the buyer is purchasing a resident license.
 - 3) Issue a unique confirmation number to the buyer based on an approved formula from the Department.
 - 4) Instruct the buyer that they must record the assigned confirmation number on a piece of paper along with the person's name, date of birth, date of the transaction, and mailing address. Buyer will be instructed that this piece of paper must contain the buyer's signature and be kept on the buyer's person while fishing or hunting until the buyer receives the license in the mail.
 - 5) Instruct the buyer that use of the confirmation number as a temporary license is valid up to 30 days from date of sale.
 - 6) Immediately update a license verification database with the transaction information.

(Source: Added at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Contracts for Construction

- 2) Code Citation: 44 Ill. Adm. Code 600

- 3) Section Number:

600.101	Repeal
600.102	Repeal
600.103	Repeal
600.104	Repeal
600.201	Repeal
600.202	Repeal
600.203	Repeal
600.204	Repeal
600.205	Repeal
600.206	Repeal
600.207	Repeal
600.208	Repeal
600.209	Repeal
600.210	Repeal
600.211	Repeal
600.212	Repeal
600.213	Repeal
600.214	Repeal
600.215	Repeal
600.301	Repeal
600.302	Repeal
600.303	Repeal
600.304	Repeal
600.305	Repeal
600.306	Repeal
600.401	Repeal
600.402	Repeal
600.403	Repeal
600.404	Repeal
600.405	Repeal
600.406	Repeal
600.407	Repeal
600.501	Repeal
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600.510	Repeal
600.511	Repeal

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED REPEALER

600.512 Repeal
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 600.811 Repeal
 600.812 Repeal
 600.901 Repeal
 600.902 Repeal
 600.903 Repeal
 600.904 Repeal
 600.905 Repeal

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600.906 Repeal
 600.907 Repeal
 600.908 Repeal
 600.909 Repeal

- 4) Statutory Authority: Implemented and authorized by the Illinois Purchasing Act [30 ILCS 505].
- 5) A Complete Description of the Subjects and Issues Involved: The Office of Mines and Minerals no longer uses these rules for contracts. The divisions have either developed their own rules or use other Sections of the Administrative Code.
- 6) Will this proposed repealer replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:
 Peggy J. Witt, Legal Counsel
 Illinois Department of Natural Resources
 524 South Second Street
 Springfield IL 62701
 (217) 782-1809
- 12) Initial Regulatory Flexibility Analysis:
 A) Types of small businesses, small municipalities and not for profit corporations affected: None
 B) Reporting, bookkeeping or other procedures required for compliance: None
 C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This proposed repealer was inadvertently omitted from the recent regulatory

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agenda.

The full text of the Proposed Repealer begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER VIII: DEPARTMENT OF MINES AND MINERALS

PART 600

CONTRACTS FOR CONSTRUCTION (REPEALED)

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600.101 Purpose
600.102 Definitions
600.103 Distribution of Responsibility
600.104 Severability

SUBPART B: BIDDING REQUIREMENTS AND CONDITIONS

Section
600.201 Prequalification of Bidders
600.202 Notice to Bidders
600.203 Contents of Proposal Forms
600.204 Issuance of Proposal Forms
600.205 Amendment of Proposal Forms
600.206 Interpretation of Quantities in Bid Schedule
600.207 Examination of Plans, Specifications, Special Provisions, and Site of Work
600.208 Preparation of Proposal
600.209 Combination Bids
600.210 Rejection of Proposals
600.211 Proposal Guarantee
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600.214 Withdrawal of Proposals
600.215 Public Opening of Proposals

SUBPART C: AWARD AND EXECUTION OF CONTRACT

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600.301 Consideration of Proposals
600.302 Award of Contract
600.303 Return of Proposal Guarantee
600.304 Requirements of Contract Bond
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SUBPART D: SCOPE OF WORK

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Section
 600.401 Specifications
 600.402 Intent of Plans and Specifications
 600.403 Special Work
 600.404 Alterations, Cancellations, Extensions, and Deductions
 600.405 Changed Conditions Provisions
 600.406 Rights In and Use of Materials Found on the Work
 600.407 Final Cleaning Up

SUBPART E: CONTROL OF WORK

Section
 600.501 Authority of Engineer
 600.502 Plans and Working Drawings
 600.503 Conformity with Plans and Specifications
 600.504 Coordination of Plans, Specifications, Supplemental Specifications, Proposal, and Special Provisions
 600.505 Cooperation by Contractor
 600.506 Utility Facilities
 600.507 Cooperation Between Contractors
 600.508 Construction Stakes, Lines, and Grades
 600.509 Authority and Duties of Resident Engineer
 600.510 Duties of Inspector
 600.511 Inspection of Work
 600.512 Removal of Unacceptable or Unauthorized Work
 600.513 Final Inspection

SUBPART F: CONTROL OF MATERIALS

Section
 600.601 Source of Supply and Quality Requirements
 600.602 Unacceptable Materials
 600.603 Samples, Tests, Cited Specifications
 600.604 Plant Inspection
 600.605 Source of Materials
 600.606 Stored Materials
 600.607 Handling Materials

SUBPART G: LEGAL RELATIONS AND RESPONSIBILITY TO PUBLIC

Section
 600.701 Laws to be Observed
 600.702 Workers' Compensation Insurance
 600.703 Employment Preference
 600.704 Permits and Licenses
 600.705 Patented Devices, Material, and Processes
 600.706 Federal Aid Provisions
 600.707 Sanitary Provisions

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600.708 Temporary Railroad Grade Crossing
 600.709 Dirt on Pavements or Structures
 600.710 Equipment on Pavement and Structures
 600.711 Use of Explosives
 600.712 Use of Fire Hydrants
 600.713 Protection and Restoration of Property
 600.714 Protection and Preservation of Aboriginal Records and Antiquities
 600.715 Forest Protection
 600.716 Responsibility for Damage Claims
 600.717 Contractor's Responsibility for Work
 600.718 Contractor's Responsibility for Utility Property and Services
 600.719 Furnishing Right-of-Way
 600.720 Personal Liability of Public Officials
 600.721 No Waiver of Legal Rights
 600.722 Protection of Streams, Lakes, and Reservoirs

SUBPART H: PROSECUTION AND PROGRESS

Section
 600.801 Subletting of Contract
 600.802 Progress Schedule
 600.803 Prosecution of Work
 600.804 Working Days
 600.805 Completion Date and Completion Date with Guaranteed Working Days
 600.806 Workmen, Methods, and Equipment
 600.807 Suspension of Work
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 600.810 Default on Contract
 600.811 Termination of the Contractor's Responsibility
 600.812 Emergency Termination of Contracts

SUBPART I: MEASUREMENT AND PAYMENT

Section
 600.901 Measurement of Quantities
 600.902 Scope of Payment
 600.903 Increased or Decreased Quantities
 600.904 Payment for Extra Work
 600.905 Payment for Incidental Work
 600.906 Payment for Items Omitted
 600.907 Partial Payments
 600.908 Semi-Final Payments
 600.909 Acceptance and Final Payment

AUTHORITY: Implementing and authorized by The Illinois Purchasing Act (Ill. Rev. Stat. 1983, ch. 127, pars. 132.1 et seq.).

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SOURCE: Filed June 10, 1976; codified at 8 Ill. Reg. 19467; repealed at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 600.101 Purpose

- a) Construction contracts shall be awarded pursuant to the Illinois Purchasing Act (Ill. Rev. Stat. 1981, ch. 127, pars. 132.1 et seq.) (The Act). In the event of conflict between the Act and any provisions of this Part, the Act shall govern.
- b) Construction contracts in excess of five thousand dollars (\$5,000.00) or involving a change or increase of size, type, or extent of any existing facility shall be awarded to the lowest responsible bidder considering conformity with this Part. The right is reserved to reject any or all proposals.
- c) All contracts not exceeding five thousand dollars (\$5,000.00) and not involving a change or increase of size, type, or extent of any existing facility shall be awarded pursuant to the requirements of Section 6(a) of the Illinois Purchasing Act for such contracts and bidders must comply with Section 600.201 of this Part. This Part supersedes the existing "Rules and Regulations of the Department of Mines and Minerals Regarding Contracts for Construction", which Rules were filed on May 10, 1976 and amended on June 10, 1976.

Section 600.102 Definitions

Wherever in these specification or in other contract documents the following terms or pronouns in place of them are used, the intent and meaning shall be interpreted as follows:

Abbreviations: Wherever the following abbreviations are used in these specifications or on the plans, they are to be construed the same as the respective expressions represented:

AAN	American Association of Nurserymen
AAR	Association of American Railroads
AASHO	American Association of State Highway Officials
ARA	American Railway Association
AREA	American Railway Engineering Association
ASLA	American Society of Landscape Architects
ASTM	American Society for Testing and Materials
AWPA	American Wood Preservers Association
AWWA	American Water Works Association
AWS	American Welding Society
FHWA	Federal Highway Administration
FSS	Federal Specifications and Standards
GSA	General Services Administration

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SAE Society of Automotive Engineers
USASI United States of America Standards Institute

Advertisement: The public announcement, as required by law, inviting bids for work to be performed or materials to be furnished.

Award: The decision of the Department to accept the proposal of the lowest responsible bidder for the work, subject to the execution and approval of a satisfactory contract therefore and bond to secure the performance thereof, and to such other conditions as may be specified or otherwise required by law.

Bid: A proposal.

Bidder: Any individual, firm, partnership, or corporation submitting a proposal for the work contemplated, acting directly or through a duly authorized representative.

Calendar Day: Every day shown on the calendar.

Contract: The written agreement between the Department and the Contractor setting forth the obligations of the parties thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The Contract includes the invitation for bids, proposal, letter of award, contract form and contract bond, specifications, supplemental specifications, special provisions, general and detailed plans, and any agreements that are required to complete the construction of the work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

Contract Bond: The approved form of security furnished by the Contractor and his surety as a guaranty that he will execute the work in accordance with the terms of the contract.

Contract Time: The number of working days or calendar days allowed for completion of the contract including authorized time extensions. In case a calendar date of completion is shown in the proposal in lieu of the number of working or calendar days, the contract shall be completed on or before that date.

Contractor: The individual, firm, partnership, or corporation contracting with the Department for performance of prescribed work.

Culvert: A drainage structure extending across and beneath a traveled way and having a tubular or box type cross-section.

Department: Unless otherwise specified, the Department of Mines and

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Minerals of the State of Illinois with principal offices of business at Springfield.

For certain purposes, the Department of Transportation or the State of Illinois. In all such cases the rules specify "Department of Transportation".

Engineer: The Engineer contracted, employed, or otherwise designated by the Department for the purpose of the contract.

Equipment: All machinery and equipment, together with the necessary supplies and maintenance, and also tools and apparatus necessary for the proper construction and acceptable completion of the work.

Extra Work: An item of work not provided for in the contract as awarded but found essential to the satisfactory completion of the contract within its intended scope as determined by the Engineer.

Inspector: The authorized representative of the Engineer assigned to make detailed inspection of any or all portions of the work or material therefor.

Invitation for Bids: The advertisement for proposals for all work or materials on which bids are required. Such advertisement will indicate with reasonable accuracy the quantity and location of the work to be done or the character and quantity of the material to be furnished and the time and place of the opening of the proposals.

Laboratory: Any testing laboratory designated by the Engineer.

Materials: Any substances specified for use in the construction of the project and its appurtenances.

Notice to Bidders: The official notice, included in the proposal form.

Pay Item: A specifically described unit of work for which a price is provided in the contract.

Plans: The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproductions thereof, which show the location, character, dimensions, and details of the work to be done.

Proposal: The bid or offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted.

Proposal Guaranty: The security furnished with a bid to guarantee

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that the bidder will enter into the contract if his bid is accepted.

Right of Way: A general term denoting land, property, or interest therein.

Special Provisions: Additions and revisions to the standard and supplemental specifications covering conditions peculiar to an individual project.

Specifications: The body of directions, provisions, and requirements contained herein, or in any supplement adopted by the Department, together with written agreements and all documents of any description made or to be made pertaining to the method or manner of performing the work, the quantities, or the quality of materials to be furnished under the contract. Specifications shall include without limitation those Standard Specifications of the Department of Transportation adopted by the Department in Section 600.401 of this Part.

State: The State of Illinois.

Structure: Unless otherwise defined in the specifications, structures shall comprise all objects constructed of materials other than earth, required by the contract to be built or to be removed.

Subcontractor: An individual, firm, partnership, or corporation who, with the written consent of the Engineer, assumes obligations for performing specified pay items.

Supplemental Specifications: Additions, amendments, and revisions to the specifications that are adopted subsequent to the filing of this Part, including, without limitation, additions, amendments, and revisions to the Standard Specifications of the Department of Transportation adopted by the Department in Section 600.401 of this Part.

Surety: The corporation, partnership, or individual, other than the Contractor, executing the Contract Bond.

Utility: The privately, publicly, or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste storm water not connected with highway drainage, and other similar commodities, including publicly owned fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof. The term "utility" shall also mean the utility company, inclusive of any wholly owned or controlled subsidiary.

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Work: Work shall mean the furnishing of all labor, materials, equipment, and other incidentals necessary or convenient to the successful completion of the project and the carrying out of all the duties and obligations imposed by the contract.

Section 600.103 Distribution of Responsibility

Although the Department of Mines and Minerals is the awarding authority in all situations covered by this Part, the rules provide that the Department of Transportation has certain authority and responsibility with respect to the bid and award process. Moreover, certain specifications adopted by the Department of Transportation in its Standard Specifications for Road and Bridge Construction (Sections 200 through 803) are herein adopted by the Department of Mines and Minerals. In the event that there arises any ambiguity as to which Department has authority in any specific situation covered by this Part, the bidder should seek clarification from the Department of Mines and Minerals.

Section 600.104 Severability

If any rules, or sentence, or clause of any of this Part is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Part.

SUBPART B: BIDDING REQUIREMENTS AND CONDITIONS

Section 600.201 Prequalification of Bidders

- a) Each bidder, prior to submitting a bid, must be prequalified by the Department of Transportation, and not under current suspension, pursuant to the procedures, rules and criteria of that Department. The Department of Mines and Minerals shall rely upon any determination and statement as to a bidder's qualification, rating, or suspension made by the Department of Transportation, without additional inquiry or verification. Any appeal, challenge, or dispute by a bidder relating to his qualification, shall be made by him to the Department of Transportation according to the rules of that Department and not to the Department of Mines and Minerals.
- b) No error in any determination of a bidder's qualifications made by the Department of Transportation, nor any mistake in any communications of such determination to the Department of Mines and Minerals shall invalidate any decision of the Department of Mines and Minerals to reject a specific bid or bidder or to award a contract to another bidder.

Section 600.202 Notice to Bidders

- a) Notice to bidders and advertisement for bids shall be published in the "Official Newspaper" of the State of Illinois, inviting bids for the

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construction projects for which competitive bids will be received and which are in any one letting. The notice shall specify the date, time, and place, when and where bids are due, the date, time and place where the bids will be opened, and the place where proposal forms may be obtained.

- b) The "Official Newspaper" of the State of Illinois is the one designated as such by the Department of Central Management Services.
- c) The Department of Transportation publishes a "Service Bulletin" listing all construction projects for which bids are sought including the time, date, and place of opening bids. The Bulletin will be sent to all contractors who have prequalified with the Department of Transportation and to any person paying the established subscription price.

Section 600.203 Contents of Proposal Forms

- a) Upon request, the Department of Transportation will furnish the prequalified bidders a proposal form. This form will state the location and description of the contemplated construction and will show the estimate of the various quantities and kinds of work to be performed or materials to be furnished, and will have a schedule of items for which unit bid prices are invited. The proposal form will state the time in which the work must be completed, the amount of the proposal guaranty, labor requirements, and the date, time, and place of the opening of proposals. The form will also include any special provisions or requirements which vary from or are not contained in these specifications.
- b) All papers bound with or attached to the proposal form are considered a part thereof and must not be detached or altered when the proposal is submitted.
- c) The plans, specifications, and other documents designated in the proposal form including any addenda officially issued by the Department will be considered a part of the proposal whether attached or not.

Section 600.204 Issuance of Proposal Forms

The Department of Transportation may refuse to issue a proposal form for any of the following reasons:

- a) Lack of competency and adequate machinery, plant, and other equipment, as revealed by the financial statement and experience questionnaires required by the prequalification procedures of the Department of Transportation;
- b) Uncompleted work which in the judgment of the Department of Transportation might hinder or prevent the prompt completion of additional work if awarded;
- c) Failure to pay, or satisfactorily settle, all bills due for labor or material on former contracts with the State in force at the time of

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- issuance of proposals;
- d) Failure to comply with any prequalification regulations of the Department of Transportation;
- e) Default under previous contracts with the State; or
- f) Unsatisfactory performance record as shown by past work for the Department of Transportation or the Department of Mines and Minerals, judged from the standpoint of workmanship and progress.

Section 600.205 Amendment of Proposal Forms

- a) At any time prior to the time when proposals are due the Department may amend the proposal form by deleting or adding items, changing the amount of any item, altering specifications, delivery terms, or any other elements of the proposal forms. In the event of a change of the proposal form, the Department shall notify all persons who have received proposal forms or have otherwise notified the Department of an intention to submit a proposal, and shall, as soon as practicable, provide all such persons with the amended proposal form. Any bidders who have already submitted a proposal shall be allowed to withdraw, resubmit, or amend their proposal notwithstanding the provisions of Section 600.214. In amending a proposal form, the Department may extend the time when the proposals are due.
- b) Unless the changes are so substantial that the initial invitation for bids is no longer fairly descriptive, no new invitation, or advertisement shall be required.

Section 600.206 Interpretation of Quantities in Bid Schedule

The quantities appearing in the bid schedule are approximate and are prepared for the comparison of bids. Payment to the Contractor will be made only for the actual quantities of work performed and accepted or materials furnished in accordance with the contract. The scheduled quantities of work to be done and materials to be furnished may each be increased, decreased, or omitted as hereinafter provided.

Section 600.207 Examination of Plans, Specifications, Special Provisions, and Site of Work

- a) The bidder shall, before submitting his bid, carefully examine the proposal form, plans, specifications, special provisions, and form of contract and bond. He shall inspect in detail the site of the proposed work and familiarize himself with all the local conditions affecting the contract and the detailed requirements of construction. If his bid is accepted, he will be responsible for all errors in his proposal resulting from his failure or neglect to comply with these instructions. The Department will, in no case, be responsible for any change in anticipated profits resulting from such failure or neglect.
- b) When the plans or special provisions include information pertaining to

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subsurface exploration, borings, test pits, and other preliminary investigation, such information represents only the best knowledge of the Department as to the location, character, or quantity of the materials encountered and is only included for the convenience of the bidder. The Department assumes no responsibility whatever in respect to the sufficiency or accuracy of the information, and there is no guaranty, either express or implied, that the conditions indicated are representative of those existing throughout the work, or that unanticipated developments may not occur.

- c) When the plans or special provisions include information pertaining to the location of underground utility facilities, such information represents only the opinion of the Department as to the location of such utilities and is only included for the convenience of the bidder. The Department assumes no responsibility whatever in respect to the sufficiency or accuracy of the information shown on the plans relative to the location of underground utilities. It shall be the Contractor's responsibility to determine the actual location of all such facilities. He shall also obtain from the respective utility companies detailed information relative to the location of their facilities and the working schedules of the utility companies for removing or adjusting them.

Section 600.208 Preparation of Proposal

- a) The bidder shall submit his proposal on the form furnished by the Department of Transportation. The proposal shall be executed properly, and bids shall be made for all items indicated in the proposal form, except that when alternative bids are asked a bid on more than one (1) alternate for each item is not required, unless otherwise provided. The bidder shall indicate, in figures, a unit price for each of the separate items called for in the proposal; he shall show the products of the respective quantities and unit prices in the column provided for that purpose, and the gross sum shown in the place indicated in the proposal shall be the summation of said products. All writing shall be with ink or typewriter, except the signature of the bidder which shall be written with ink.
- b) If the proposal is made by an individual, his name and business address shall be shown. If made by a firm or partnership, the name and business address of each member of the firm or partnership shall be shown. If made by a corporation, the proposal shall show the names, titles, and business addresses of the president, secretary, and treasurer, and the seal of the corporation shall be affixed and attested by the secretary.
- c) The proposal form will be issued to a prequalified bidder in the same name and style as the financial statement used for prequalification and shall be submitted in like manner.

Section 600.209 Combination Bids

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- a) A combination bid is a total bid received on two (2) or more proposals. No combination bids other than those specifically set up in the proposal forms by the Department will be considered. Separate proposal forms will be issued for each project in the combination so that bids may be submitted either on the combination or on separate units of the combination. The Department reserves the right to make awards on combination bids or separate bids to the best advantage of the Department.

- b) The following provisions shall govern combination bidding:

- 1) A combination bid which is submitted for two (2) or more proposals and awarded on that basis shall have the bid prorated against each proposal in proportion to the bid submitted for each proposal;
- 2) Separate contracts shall be executed for each individual proposal included in the combination;
- 3) Contracts awarded on the basis of a combination bid shall have the liquidated damages determined from the schedule of deductions for each day of overrun in contract time in Section 600.810 based on the combination bid total;
- 4) An extension of time for any one (1) or more contracts awarded on a combination bid shall automatically extend all contracts awarded on the combination;
- 5)

- A) The completion date for all contracts awarded on a combination bid shall be the latest completion date designated in any one (1) or more of the contracts included in the combination, unless otherwise provided in the contracts; and

- B) The working days for all contracts awarded on a combination bid, shall be the largest number of working days designated in any one (1) or more of the contracts included in the combination, unless otherwise provided in the contracts.

- 6) In the event that the Contractor fails to complete any one (1) or all of the contracts on the combination bid by the contract completion date plus authorized extensions, or the contract working days plus any authorized extension; the liquidated damages, as determined in Subsection (b)(3) above, shall be computed on the combination and prorated against the two (2) or more contracts based on the dollar value of each contract; and
- 7) The plans and Special Provisions for each separate contract shall be construed separately for all requirements, except as described in Subsection (b)(1 through 6) listed above.

- c) If a combination bid is submitted for two (2) or more proposals, separate proposals for each individual contract shall also be submitted, and unless separate proposals are so submitted, the combination bid will not be considered. If the bidder desires to submit a combination bid he shall state, in the place provided in the proposal, the amount of the combination bid for the entire

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combination.

- d) If a combination bid is submitted for any stipulated combination, and errors are found to exist in computing the gross sum bids for any one (1) or more of the individual proposals, corrections shall be made, and the amount of the combination bid shall be corrected so that it will be in the same proportion to the sum of the corrected gross sum bid as the combination bid submitted was to the sum of the gross sum bid submitted.

Section 600.210 Rejection of Proposals

- a) In addition to the Department's right under Section 600.301 to reject any or all proposals and in addition to the Department of Transportation's right under Section 600.204 to refuse to issue a proposal form, the Department shall also have the right to reject a proposal for any of the reasons set forth in Section 600.204 or for any of the following reasons:

- 1) The receipt of more than one (1) proposal for the same work from an individual, firm, partnership, or corporation under the same or different names;
- 2) Evidence of collusion among bidders;
- 3) Unbalanced proposals in which the prices of some items are obviously out of proportion to the prices for other items;
- 4) If the proposal does not contain a unit price for each pay item listed except in the case of authorized alternate pay items or lump sum pay items;
- 5) If the proposal, if other than that furnished by the Department of Transportation or if the firm is altered or any part thereof is detached;
- 6) If there are omissions, alterations, unauthorized additions, conditional or alternate bids, or irregularities of any kind which may tend to make the proposal incomplete, indefinite, or ambiguous as to its meaning;
- 7) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award;
- 8) If the proposal is not accompanied by the proper proposal guaranty; or
- 9) If the proposal is prepared with other than ink or typewriter.
- b) The Department may rely upon information, opinions, or recommendations of the Department of Transportation with respect to a bidder's compliance with the conditions set forth in this Section or Section 600.204.

Section 600.211 Proposal Guarantee

- a) Each proposal shall be accompanied by a bank draft drawn on the New York, Chicago, or St. Louis Exchange, a bank cashier's check, or a

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properly certified check for not less than ten (10) percent of the amount bid, or for the amount specified in the following schedule:

Amount of Bid		Proposal Guaranty	
Up to	\$	Up to	\$
5,000	5,000	300	
10,000	10,000	500	
50,000	50,000	2,500	
100,000	100,000	5,000	
100,000	250,000	12,500	
250,000	500,000	25,000	
500,000	1,000,000	50,000	
1,000,000	1,500,000	75,000	
1,500,000	2,000,000	100,000	
2,000,000	3,000,000	150,000	
3,000,000	5,000,000	200,000	
5,000,000	7,500,000	300,000	
10,000,000	10,000,000	400,000	
15,000,000	15,000,000	500,000	
20,000,000	20,000,000	600,000	
25,000,000	25,000,000	700,000	
30,000,000	30,000,000	800,000	
35,000,000	35,000,000	900,000	
over	35,000,000	1,000,000	

b) If a combination bid is submitted, the bank drafts, bank cashier's checks, or certified checks which accompany the individual proposals making up the combination will be considered as also covering the combination bid.

c) Bank drafts, bank cashier's checks, or certified checks accompanying proposals shall be made payable to the Treasurer, State of Illinois.

Section 600.212 Delivery of Proposals

Each proposal should be submitted in a special envelope furnished by the Department of Transportation. The blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Department is used, it shall be of the same general size and shape and be similarly marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Department of Transportation at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time for opening of bids will be returned to the bidder unopened.

Section 600.213 Amendment of Proposals

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Any bidder may, prior to the time when bids are due, amend his proposal by filing an "Amendment to Proposal" executed and delivered in the same manner as the proposal. The amendment should clearly indicate the proposal he seeks to amend and the items or numbers he wishes to change including all resulting changes in the extensions and totals. Any amendment properly and timely filed shall become part of the proposal. An amendment received after the time when proposals are due shall not be considered and the bidder's original proposal shall be considered as originally submitted, provided however, that if the otherwise low bidder submits a late amendment which lowers his total bid price, the Department may accept the amendment as if it were timely filed.

Section 600.214 Withdrawal of Proposals

Permission will be given to a bidder to withdraw a proposal if he makes his request in writing or by telegram before the time for opening proposals. If a proposal is withdrawn, the bidder will not be permitted to resubmit that proposal or any other proposal at the same letting.

Section 600.215 Public Opening of Proposals

Proposals will be opened and read publicly at the time and place specified in the Notice to Bidders. Bidders, their authorized agents, and other interested parties are invited to be present.

SUBPART C: AWARD AND EXECUTION OF CONTRACT

Section 600.301 Consideration of Proposals

a) After the proposals have been opened and read:

- 1) The Department of Transportation shall review the proposals to determine compliance with the standards set forth in Sections 600.201, 600.204, and 600.210. The Department of Transportation may elect to conduct investigations of one (1) or more bidders and may recommend that the Department reject any or all of the proposals for any of the reasons set forth in those Sections. All of the proposals shall be forwarded to the Department by the Department of Transportation with any information, opinions, or recommendations deemed relevant to the selection of the lowest responsible bidder.
- 2) The proposals not rejected by the Department of Mines and Minerals pursuant to Section 600.210 shall be compared by the Department of Mines and Minerals on the basis of the summation of the products of quantities shown in the bid schedules by the unit prices. In the event of a discrepancy between the unit price and the extensions, the unit bid prices shall govern. The Department may require any bidder to furnish an outline of his plans for conducting the work.

b) In awarding contracts, the Department may, in addition to considering

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the amounts stated in the proposals, take into consideration the following factors:

- 1) Conformity with the specifications;
 - 2) Terms of deliver;
 - 3) Quality and serviceability;
 - 4) Feasibility of bidders' plans;
 - 5) All criteria and conditions set forth in Sections 600.201, 600.204, and 600.210; and
 - 6) The best interest of the Department.
- c) In considering the above factors, the Department may rely upon information, opinions, and recommendations submitted by the Department of Transportation.
- d) The Department specifically reserves the right to reject any or all proposals, to waive technicalities, or to advertise for new proposals, if in the judgment of the Department, the best interests of the Department will be promoted thereby.

Section 600.302 Award of Contract

- a) The award of contract will be made within forty-five (45) calendar days after the opening of proposals to the lowest responsible and qualified bidder whose proposal complies with all the requirements prescribed. The successful bidder will be notified by letter that his bid has been accepted and that he has been awarded the contract.
- b) If a contract is not awarded within forty-five (45) days after the opening of proposals, a bidder may file a written request with the Department for withdrawal of his bid and the Department will permit such withdrawal.

Section 600.303 Return of Proposal Guarantee

- a) The proposal guaranties of all except the two (2) lowest bidders will be returned promptly after the proposals have been checked, tabulated, and the relation of the proposals established. Proposal guaranties of the two (2) lowest bidders will be returned as soon as the contract and bond of the successful bidder have been properly executed and approved.
- b) If contracts cannot be awarded promptly, the Department may permit the two (2) lowest bidders to substitute for the bank cashier's checks, bank drafts, or certified checks submitted with their proposals as proposal guaranties, bidder's bonds executed by corporate surety companies satisfactory to the Department but such substitutions shall not be made until a period of three (3) days has elapsed after the date of opening proposals and bond forms furnished by the Department shall be used.

Section 600.304 Requirements of Contract Bond

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The successful bidder, at the time of the execution of the contract, shall deposit with the Department a surety bond for the full amount of the contract. The form of the bond shall be that furnished by the Department of Transportation and the surety shall be acceptable to the Department.

Section 600.305 Execution of Contract

- a) The contract shall be executed by the successful bidder and returned, together with the Contract Bond within fifteen (15) days after the contract has been mailed to the bidder.
- b) If the bidder to whom award is made is a corporation organized under the laws of a State other than Illinois, the bidder shall furnish the Department a copy of the corporation's certificate of authority to do business in the State of Illinois with the return of the executed contract and bond. Failure to furnish such evidence of a certificate of authority within the time required will be considered as just cause for the annulment of the award and the forfeiture of the proposal guaranty to the State, not as a penalty but in payment of liquidated damages sustained as a result of such failure.

Section 600.306 Failure to Execute Contract

- a) If the contract is not executed by the Department within fifteen (15) days following receipt from the bidder of the property executed contracts and bonds, the bidder shall have the right to withdraw his bid without penalty.
- b) Failure of the successful bidder to execute the contract and file acceptable bonds within fifteen (15) days after the contract has been mailed to him, shall be just cause for the cancellation of the award and the forfeiture of the proposal guaranty which shall become the property of the Department, not as a penalty, but in liquidation of damages sustained. Award may then be made to the next lowest responsible bidder, or the work may be readvertised and constructed under contract or otherwise, as the Department may decide.

SUBPART D: SCOPE OF WORK

Section 600.401 Specifications

All specifications not otherwise set forth in the proposal, special provisions, plans supplemental specifications, or other documents comprising the contract, shall be in accordance with the standard specifications of the Department of Transportation as set forth in Articles 200 through 803 of "Standard Specifications for Road and Bridge Construction" adopted by the Department of Transportation and on file in the office of the Secretary of State, as heretofore or hereafter amended. Those specifications are hereby adopted by the Department of Mines and Minerals for the purpose of this Part.

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Section 600.402 Intent of Plans and Specifications

The intent of the plans and specifications is to prescribe a complete outline of work which the Contractor undertakes to do in full compliance with the contract. The contractor shall perform all earthwork, disposal, revegetation, and such additional, extra, and incidental work as may be necessary to complete the work to the specifications in a substantial and acceptable manner. He shall furnish all required materials, equipment, tools, labor, and incidentals, unless otherwise provided in the contract, and shall include the cost of these items in the unit prices bid for the several units of work.

Section 600.403 Special Work

Should any construction or requirements not covered by the specifications be anticipated on any proposed work, special provisions for the same will be prepared and included in the proposal form, which special provisions shall be considered as a part of the specifications the same as though contained fully herein.

Section 600.404 Alterations, Cancellations, Extensions, and Deductions

- a) The Department reserves the right to alter the plans, extend or shorten the improvement, add such work as may be necessary, and increase or decrease the quantities or work to be performed to accomplish such changes, including the deduction or cancellation of any one (1) or more of the unit price items, or cancellation of the contract.
- b) Should such changes in the plans result in an increase or decrease in the quantities of the work to be performed, the Contractor shall accept payment as follows:
 - 1) All increases in such work of the type that appears in the contract as pay items accompanied by unit prices shall, except as provided under Subsection (3) below, be paid for at the contract unit prices. Decreases in quantities included in the contract at the unit bid prices. No allowances will be made for delays or anticipated profits;
 - 2) Extra work which is not included in the contract as pay items at unit prices and is not included in other items of the contract shall be paid for as specified in Section 600.904;
 - 3) Extra work for which there is a pay item at unit price in the contract that for any one or more of the following reasons materially increases or decreases the cost of the pay item as bid and which is not included in the prices bid for other items in the contract shall be paid for as provided in Section 600.904:
 - A) Work involving a substantial change of location;
 - B) Work which differs in design; or
 - C) Work requiring a change in the type of construction.
 - 4) In cases where the Department cancels or alters any portion of

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the contract, items which are partially completed shall be paid for as provided under Section 600.906.

- c) All alterations, cancellations, extensions, and deductions shall be authorized in writing by the Engineer before work is started. Such authorization shall set up the items of work involved and the method of payment for each item.
- d) Claims for extra work which have not been authorized in writing by the Engineer will be rejected.

Section 600.405 Changed Conditions Provisions

- a) Should the Contractor encounter or the Department discover during the progress of the work subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or unknown physical conditions at the site of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the contract, the Engineer shall be promptly notified in writing of such conditions before they are disturbed. The Engineer will thereupon promptly investigate the condition and if he finds they do so materially differ and cause an increase or decrease in the cost of, or the time required for performance of the contract, an equitable adjustment will be made and the contract modified in writing accordingly.
- b) Any adjustment in compensation because of a change or changes resulting from one (1) or more of the conditions described in the foregoing paragraph will be made in accordance with the provisions of Section 600.903. Any adjustment in contract time because of such change or changes will be made in accordance with the provisions of Section 600.809.

Section 600.406 Rights In and Use of Materials Found on the Work

- a) The Contractor, with the approval of the Engineer, may use on the work such stone, gravel, sand, or other material determined suitable by the Engineer, as may be found in the excavation and will be paid both for the excavation of such materials at the corresponding contract unit price and for the pay item for which the excavated material is used. He shall replace at his own expense with other acceptable material all of that portion of the excavation material so removed and used which was needed for use in the embankments, backfills, approaches, or otherwise. No charge for the materials so used will be made against the Contractor.
- b) Unless otherwise provided, the material from any existing old structure may be used temporarily by the Contractor in the erection of the new structure. Such material shall not be cut or otherwise damaged except with the approval of the Engineer.

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Section 600.407 Final Cleaning Up

Before final acceptance, all borrow pits and ground occupied by the Contractor in connection with the work shall be cleaned of all rubbish, excess materials, temporary structures, equipment, and all parts of the work shall be left in a neat and presentable condition.

SUBPART E: CONTROL OF WORK

Section 600.501 Authority of Engineer

a) All work shall be done under the supervision of the Engineer, and to his satisfaction. He shall decide all questions which arise as to the quality and acceptability of materials furnished, work performed, manner of performance, rate of progress of the work, interpretation of the plans and specifications, acceptable fulfillment of the contract, compensation, and disputes and mutual rights between contractors under the specifications. He shall determine the amount and quality of work to be performed and materials furnished. His decision shall be final and shall be a condition precedent to the right of the Contractor to receive money due him under the contract.

b) The Engineer will notify the Contractor in writing if the work is to be suspended wholly or in part due to the failure of the Contractor to carry out provisions of the contract; for failure to carry out orders; for such periods as he may deem necessary due to unsuitable weather; for conditions considered unsuitable for the prosecution of the work or for any other conditions or reason deemed to be in the public interest.

c) In case of failure on the part of the Contractor to execute work ordered by the Engineer, the Engineer may, at the expiration of a period of forty-eight (48) hours after giving notice in writing at the Contractor, proceed to execute such work as may be deemed necessary, and the cost thereof shall be deducted from compensation due or which may become due the Contractor under the contract.

Section 600.502 Plans and Working Drawings

Plans showing such details as are necessary, to give a comprehensive idea of the construction contemplated will be furnished by the Department. The Contractor shall submit to the Engineer for approval such additional shop, working, or layout drawings pertaining to the construction of the work, as may be required, and prior to the approval of such plans of drawings, any work done or materials ordered shall be at the Contractor's risk.

Section 600.503 Conformity with Plans and Specifications

a) All work performed and all materials furnished shall be in reasonably close conformity with the lines, grades, cross sections, dimensions,

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and material requirements, including tolerances, shown on the plans or indicated in the specifications.

b) In the event the Engineer finds the materials or the finished product in which the materials are used not within reasonably close conformity with the plans and specifications through no willful neglect or omission by the Contractor but that reasonably acceptable work has been produced, he shall then make a determination if the work shall be accepted and remain in place. In this event, the Engineer will document the basis of acceptance by contract modification which may provide for an appropriate adjustment in the contract price for such work or materials as he deems necessary to conform to his determination based on engineering judgment.

c) In the event the Engineer finds the materials or the finished product in which the materials are used or the work performed are not in reasonably close conformity with the plans and specifications and have resulted in an inferior or unsatisfactory product, the work or materials shall be removed and replaced or otherwise corrected by and at the expense of the Contractor.

Section 600.504 Coordination of Plans, Specifications, Supplemental Specifications, Proposal, and Special Provisions

These specifications, the supplemental specifications, plans, proposal, special provisions, and all supplementary documents are intended to describe a complete work and are essential parts of the contract. A requirement occurring in any of them is binding. In case of discrepancy, calculated dimensions will govern over scaled dimensions; plans will govern over specifications; supplemental specifications will govern over specifications; and special provisions will govern over both specifications and plans. The Contractor shall take no advantage of any apparent error or omission in the plans or specifications, and the Engineer shall be permitted to make such corrections and interpretations as may be deemed necessary for the fulfillment of the intent of the plans and specifications.

Section 600.505 Cooperation by Contractor

a) The Contractor will be supplied with a minimum of two (2) sets of approved plans and contract assemblies including special provisions, one (1) set of which the Contractor shall keep available on the work at all times.

b) The Contractor shall give the work the constant attention necessary to facilitate the progress thereof, and shall cooperate with the Engineer, his inspectors, and other contractors in every way possible.

c) The Contractor shall have on the work at all times, as his agent, a competent English-speaking superintendent capable of reading and thoroughly understanding the plans and specifications and thoroughly experienced in the type of work being performed, who shall receive instructions from the Engineer or his authorized representatives. The

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Superintendent shall have full authority to execute orders or directions of the Engineer without delay, and to promptly supply such materials, equipment, tools, labor, and incidentals may be required. Such Superintendent shall be furnished irrespective of the amount of work sublet.

Section 600.506 Utility Facilities

It is understood and agreed that the Contractor has considered in his proposal all of the permanent and temporary utility appurtenances in their present or relocated positions and that no additional compensation will be allowed for any delays, inconvenience, or damage sustained by him due to any interference from the said utility appurtenances or the operation of moving them either by the utilities company or by him or on account of any special construction methods required in prosecuting his work due to the existence of said appurtenances either in their present or relocated positions.

Section 600.507 Cooperation Between Contractors

- a) The Department reserves the right at any time to contract for and perform other or additional work on or near the work covered by the Contract. Each Contractor shall conduct his work so as not to interfere with or hinder the progress or completion of the work being performed by other contractors. In case of dispute the Engineer shall be the referee and his decision shall be final and binding on all.
- b) Each contractor involved shall assume all liability, financial or otherwise, in connection with his contract, and shall protect and save harmless the Department from any and all damages or claims that may arise because of inconveniences, delay, or loss experienced by him because of the presence and operation of other Contractors working within the limits of the same improvement. Each Contractor shall assume all responsibility for all work not completed or accepted because of the presence and operations of the other Contractors.
- c) The Contractor shall arrange his work and shall place and dispose of the materials being used so as not to interfere with the operations of the other Contractors within the limits of the same project. He shall join his work with that of the others in an acceptable manner and shall perform it in proper sequence to that of the others.

Section 600.508 Construction Stakes, Lines, and Grades

- a) Construction stakes will be set to mark the general location, alignment, elevation, and grade of the work.
- b) The Contractor shall assume full responsibility for dimensions and elevations measured from such stakes. He shall exercise proper care in the preservation of the stakes set for his use or the use of the Engineer, and if he displaces loses or removes them during his operations, the Engineer may deduct the cost of resetting the stakes

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from the compensation due the Contractor at a rate of two dollars (\$2.00) per stake.

- c) The Department will be responsible for the accuracy of lines, grades, and other engineering work which is set forth under this Section.
- d) The Contractor shall furnish, at his expense, the size, quality and quantity of stakes required. If he fails to furnish such stakes at the time and place specified, the Engineer may purchase the same and deduct the entire cost from the compensation due the Contractor.

Section 600.509 Authority and Duties of Resident Engineer

As the direct representative of the Engineer, the Resident Engineer has immediate charge of the engineering details of each construction project. He is responsible for the administration and satisfactory completion of the project. The Resident Engineer has the authority to reject defective material and to suspend any work that is being improperly performed.

Section 600.510 Duties of Inspector

Inspectors employed by the Department will be authorized to inspect all work done and materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The inspector will not be authorized to alter or waive the provisions of the contract. The inspector will not be authorized to issue instructions contrary to the plans and specifications, or to act as foreman for the contractor.

Section 600.511 Inspection of Work

- a) All materials and each part or detail of the work shall be subject at all times to inspection by the Engineer. Such inspection may include mill, plant, or shop inspection, and any material furnished under the specifications is subject to such inspection. The Engineer shall be allowed access to all parts of the work and shall be furnished with such information and assistance by the Contractor as is required to make a complete and detailed inspection.
- b) If the Engineer requests, the Contractor, at any time before final inspection of the work, shall remove or uncover such portions of the finished work as may be directed. After examination, the Contractor shall restore said portions of the work to the standard required by the specifications. Should the work thus exposed or examined prove acceptable, the uncovering or making good of the parts removed will be paid for as extra work; but should the work so exposed or examined prove unacceptable, the uncovering or removing, and the replacing of the covering or making good of the parts removed will be at the Contractor's expense.
- c) Any work done or materials used without supervision or inspection by an authorized Department representative may be ordered removed and

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replaced at the Contractor's expense unless the Department representative failed to inspect after having been given reasonable notice in writing that the work was to be performed.

- d) When the Federal Government is to pay a portion of the cost of work covered by the contract, the work shall be subject to the inspection of the representative of the Federal Government, but such inspection shall in no sense make the Federal Government a party to the contract.

Section 600.512 Removal of Unacceptable or Unauthorized Work

- a) All work which does not conform to the requirements of the contract will be considered unacceptable, unless otherwise determined acceptable under the provisions of Section 600.503.
- b) Unacceptable work, whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause, found to exist prior to the final acceptance of the work, shall be removed immediately and replaced in an acceptable manner.
- c) Work done contrary to the instructions of the Engineer, work done beyond the lines shown on the plans, or as given, except as herein specified, or any extra work done without authority will be considered as unauthorized and will not be paid for under the provisions of the contract. Work so done may be ordered removed or replaced at the Contractor's expense.
- d) Upon failure on the part of the Contractor to comply forthwith with any order of the Engineer made under the provisions of this Section, the Engineer will have authority to cause unacceptable work to be remedied or removed and replaced and unauthorized work to be removed and deduct the costs from any monies due or to become due to the Contractor.

Section 600.513 Final Inspection

- a) Upon due notice from the Contractor of completion of the entire project, the Engineer will make an inspection. If all construction provided for and contemplated by the contract is found satisfactorily completed in substantial accordance with all of the requirements of the contract, the inspection shall constitute the final inspection and the Engineer will notify the Contractor in writing of the date of final inspection.

Partial Inspection. If at any time during the prosecution of the work the Contractor has satisfactorily completed in substantial accordance with all of the requirements of the contract or a unit or portion of the project, he may request the Engineer to make final inspection that the unit has been satisfactorily completed in substantial accordance with all of the requirements of the contract, the Contractor shall be relieved of further responsibility for that unit. Such partial inspection shall in no way void or alter any of the terms of the contract.

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- b) If, however, the inspection disclosed any work, in whole or part as being unsatisfactory, the Engineer will give the contractor the necessary instructions for correction of same, and the contractor shall immediately comply with such instructions. Upon correction of the work, another inspection will be made which shall constitute the final inspection provided the work has been satisfactorily completed. In such event, the Engineer will notify the Contractor in writing of the date of final inspection.
- c) When the contract includes work for which the Federal Government is to pay a portion of the cost thereof, such work shall also be subject to the inspection and approval of the representatives of the Federal Government, but such inspection and approval shall in no sense make the Federal Government a party to the contract.

SUBPART F: CONTROL OF MATERIALS

Section 600.601 Source of Supply and Quality Requirements

The materials used on the work shall meet all quality requirements of the contract. In order to expedite the inspection and testing of materials. The Contractor shall notify the Engineer of his proposed source of materials prior to delivery. At the option of the Engineer, materials may be approved at the source of supply before delivery is started. If it is found after trial that sources of supply for previously approved materials do not produce uniform and satisfactory products, or if the product from any source proves unacceptable at any time, the Contractor shall furnish acceptable materials from other sources.

Section 600.602 Unacceptable Materials

All materials not conforming to the requirements of the contract at the time they are used shall be considered as unacceptable and all such materials will be rejected and shall be removed immediately from the site of the work unless otherwise instructed by the Engineer; if in place, they shall be removed by the Contractor at his expense and replaced with acceptable materials. No rejected material, the defects of which have been corrected, shall be used until approval has been given. Upon failure of the Contractor to comply forthwith with any order of the Engineer pursuant to the provisions of this Article, the Engineer shall have authority to remove and replace defective materials and to deduct the cost of removal and replacement from any monies due or to become due to the Contractor.

Section 600.603 Samples, Tests, Cited Specifications

- a) All materials should be inspected, tested, and approved, by the Engineer before incorporation in the work. The Contractor shall give sufficient advance notice of placing orders to permit tests to be completed before the materials are incorporated in the work, and he shall afford such facilities as the Engineer may require for

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collecting and forwarding samples and making inspections. All samples shall be furnished without charge to the Department.

- b) Any work in which untested and unacceptable materials are used without approval or written permission of the Engineer shall be performed at the Contractor's risk and may be considered as unacceptable and unauthorized and will not be paid for. Unless otherwise designated, tests in accordance with the most recent cited standard methods of AASHTO or ASTM, which are current on the date of advertisement of bids, or with other standard methods of sampling or testing adopted by the Engineer, will be made by and at the expense of the Department. Samples will be taken by a qualified representative of the Department. All materials being used are subject to inspection, test or rejection at any time. When requested by the Department, the Contractor shall furnish a complete written statement of the origin, composition, and manufacture of any or all materials (manufactured, produced, or grown) that are to be used in the work.

- c) Citations. Wherever in the specifications an abbreviated citation, from those listed in Section 600.101, is used followed by an appropriate serial designation, it shall be construed to mean the latest test or specification as the case may be, either as standards, tentative standards, interims, revisions, or amendments, in effect on the date of invitation for bids.

Section 600.604 Plant Inspection

- a) The Engineer may undertake the inspection of materials at the source. In the event plant inspection is undertaken the following conditions shall be met by the Contractor:

- 1) The Engineer shall have the cooperation and assistance of the Contractor and the producer with whom he has contracted for materials:
 - 2) The Engineer shall have full entry at all times to such parts of the plant as may concern the manufacture or production of the materials being furnished;
 - 3) If required by the Engineer, the material producer, manufacturer, or distributor shall furnish an approved building for the material producer, and equipped essentially to the requirements of Article 646.04 of "Standard Specifications for Road and Bridge Construction" of the Department of Transportation which have been adopted by the Department in Section 600.401 of this Part; and
 - 4) Adequate safety measures shall be provided and maintained.
- b) It is understood that the Department reserves the right to retest all materials which have been tested and accepted at the source of supply after the same have been delivered and to reject all materials which, when retested, do not meet the requirements of these specifications, or those established for the specific project.

Section 600.605 Source of Materials

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- a) The source of supply of each material used shall be approved by the Engineer before delivery is started. If sources previously approved are found to be unacceptable at any time and fail to produce materials satisfactory to the Department, the Contractor shall furnish materials from other approved sources.
- b) If the Contractor decides to investigate new sources of supply, he shall furnish without charge such preliminary samples as the Department may require. Tests will be made on these preliminary samples and reports rendered, but it is understood that such tests are for informational purposes only and that they should not be construed as a guarantee of acceptance of any material which may be delivered later for incorporation in the work. Only materials actually delivered for use will be considered, and their acceptance will be based solely upon the results of the tests made on these materials.
- c) If the Contractor installs equipment or apparatus to produce materials from new sources of supply, he does so at his own risk, and he shall assume full responsibility for the production of uniform and satisfactory materials. In case of failure of a source of supply to produce materials satisfactory to the Department, the Contractor shall indemnify and save harmless the Department from any and all claims for loss and damage of whatever nature which he may have suffered by reason of the installation of equipment and the operation of such sources of supply.

Section 600.606 Stored Materials

If it is necessary to store materials, they shall be protected in such a manner as to insure the preservation of their quality and fitness for the work. All stored materials shall be inspected at the time of use in the work, even though they may have been inspected and approved before being placed in storage. The Contractor may use the right of way for storage of materials, but the stock piles shall be confined to such cleared areas as may be approved by the Engineer. If stockpiling is done outside of the right of way, the additional space required shall be provided by the Contractor at his expense.

Section 600.607 Handling Materials

All materials shall be handled in such manner as to preserve their quality and fitness for the work. Aggregates shall be transported from the storage sites to the work in tight vehicles so constructed as to prevent loss or segregation of materials after loading and measuring in order that there may be no inconsistencies in the quantities of materials intended for incorporation in the work as loaded, and the quantities as actually received at the place of operations.

SUBPART G: LEGAL RELATIONS AND RESPONSIBILITY TO PUBLIC

Section 600.701 Laws to be Observed

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The Contractor shall at all times observe and comply with all Federal and State laws, local laws, ordinances, and regulations which in any manner affect the conduct of the work, and all such orders or decrees as exist at the present and which maybe enacted later, or legislative bodies or tribunals having legal jurisdiction or authority over the work, and no plea of misunderstanding or ignorance thereof will be considered. He shall indemnify and save harmless the State and all of its officers, agents, employees, and servants against any claim of liability arising from or based on the violation of such law, ordinance, regulation, order, or decree, whether by himself or his employees.

Section 600.702 Workers' Compensation Insurance

- a) Prior to the approval of his contract by the Department, the Contractor shall furnish to the Department certificates of insurance covering Workmen's Compensation, or satisfactory evidence that this liability is otherwise taken care of in accordance with Section 4 of the "Workers Compensation Act" (Ill. Rev. 1981, ch. 48, pars. 138.1 et seq.) as amended.
- b) Such insurance, or other means or protection as herein provided, shall be kept in force until all work to be performed under the terms of the contract has been completed and accepted in accordance with the specifications, and it is hereby understood and agreed that the maintenance of such insurance or other protection, until acceptance of the work by the Department, is a part of the contract. Failure to maintain such insurance, cancellation by the Industrial Commission of its approval of such other means of protection as might have been elected, or any other act which results in lack of protection under the said "Workers' Compensation Act" may be considered as a breach of the contract.

Section 600.703 Employment Preference

The Contractor shall comply with "An Act to give preference to the veterans of the United States military and naval service in appointments and employment upon public works, by, or for the use of, the State or its political subdivisions," passed by the 59th General Assembly and approved on June 12, 1935. (Ill. Rev. Stat. 1965, ch. 126 1/2, par. 23) The foregoing requirements do not apply to any highway improvement work, or part thereof, financed in whole or part with Federal funds.

Section 600.704 Permits and Licenses

- a) The Contractor shall procure all permits and licenses, pay all charges and fees, and give all notices necessary and incident to the due and lawful prosecution of the work.
- b) The Contractor before entering upon the right of way of a Railroad for the performance of any construction work, or work preparatory thereto, shall secure permission from the Railroad Engineer for the occupancy

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and use of the Railroad's right of way outside the limits of the railroad grade separation structure or grade crossing; and, in addition, he shall confer with the Railroad Engineer relative to railroad requirements for clearances, operation, and general safety regulations.

Section 600.705 Patented Devices, Material, and Processes

If any design, device, material, or process covered by letters patent or copyright is used by the Contractor, whether required or not, he shall provide for such use by suitable legal agreement with the patentee or owner, guaranteeing the Department indemnity from and against all claims for infringement and shall include the cost of such agreement in the price bid for the work. It shall be the duty of the Contractor, if so demanded by the Department, to furnish said Department with a copy of the legal agreement with the patentee or owner, and if such copy is not furnished when demanded, then the Department may, if it so elects, withhold any and all payments to said Contractor until said legal agreement is furnished. If a suitable legal agreement with the patentee or owner is not made as required herein, the Contractor and surety shall indemnify and save harmless, the Department from any and all claims for infringement by reason of the use of such patented design, device, material, or process, or any trademark or copyright in connection with the work agreed to be performed under the contract, and shall indemnify the Department for any costs, expense, and damages which it may be obliged to pay by reason of any such infringement at any time during the prosecution or after the completion of the work.

Section 600.706 Federal Aid Provisions

- a) When the United States Government pays all or any portion of the cost of a project, the Federal laws and the rules and regulations made pursuant to such laws must be observed by the Contractor, and the work shall be subject to the inspection of the appropriate Federal agency.
- b) Such inspection shall in no sense make the Federal Government a party of this contract and will in no way interfere with the rights of either party hereunder.

Section 600.707 Sanitary Provisions

- a) There shall be no discharge of sewage onto the surface of the ground. When a sewage system is designed to discharge effluent to a stream or water course, the owner shall obtain a permit for construction and operation from the Illinois Environmental Protection Agency.
- b) If sanitary facilities are required on construction sites, they shall be connected to a public sewer system if available, or to a septic-tank system or systems if water carriage toilets are installed. When water carriage toilets are not installed, the site shall be provided with approved type pit privies. Any system shall be such

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that all waste is disposed of without creating a public nuisance or health hazard and in accordance with Illinois Department of Public Health Circular No. 815 or Educational Health Circular No. 4.001.

c) The Contractor shall also comply with all rules and regulations of the Federal, State, and local health department, and shall take precautions to avoid unsanitary conditions.

Section 600.708 Temporary Railroad Grade Crossing

The Contractor shall make arrangements with the Railroad for the construction, protection, maintenance, and later removal of any temporary grade crossings, across the tracks of the Railroad, necessary for the use of the Contractor during the construction of the improvement. The Contractor shall not at any time cross the Railroad's right-of-way or tracks with vehicles or equipment of any type or character except at such temporary grade crossings as may be constructed in accordance with a separate private crossing agreement, for which the Railroad shall be reimbursed in the full amount of all costs incurred, and as specified herein, or at an existing open public grade crossing. The Contractor shall reimburse the Railroad promptly for the cost of such work, including travel, and other expenses involved in furnishing personnel, based on bills rendered monthly or less frequently. The cost of such temporary grade crossing construction, protection, maintenance, and later removal shall be considered as incidental to the contract.

Section 600.709 Dirt on Pavements or Structures

- a) Where a Contractor's equipment is operated on any portion of road or structures used by traffic on or adjacent to the area of construction, the Contractor shall clean the pavement of all dirt and debris at the end of each day's operations, and at other times as directed by the Engineer.
- b) The Contractor shall furnish, erect, and maintain "Slippery When Wet" signs at such locations, when required during wet weather.
- c) The cost of this work shall be included in the unit prices bid and no additional compensation will be allowed.

Section 600.710 Equipment on Pavement and Structures

- a) The pavement and structures on or adjacent to the work shall be protected, in a manner satisfactory to the Engineer, from damage by lugs or cleats on treads or wheels of equipment.
- b) All equipment used in the prosecution of the work shall comply with the legal loading limits established by the statutes of the State of Illinois when moved over or operated on any pavement or structure unless permission in writing has been issued by the Department of Transportation. Before using any equipment which may exceed the legal loading, the Contractor shall secure a permit, allowing ample time for making an analysis of stresses to determine whether or not the

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proposed loading would be within safe limits. The Department will not be responsible for any delay in construction operations or for any costs incurred by the Contractor as result of compliance with the above requirements.

Section 600.711 Use of Explosives

- a) When the use of explosives is necessary for the prosecution of the work, the Contractor shall exercise the utmost care not to endanger life or property, including new work. The Contractor shall be responsible for all damage resulting from the use of explosives.
- b) All explosives shall be stored in a secure manner in compliance with all laws and ordinances, and all such storage places shall be clearly marked. Where no local laws or ordinances apply, storage shall be provided satisfactory to the Engineer and in general not closer than one thousand (1,000) feet from any road or from any building or camping area or place of human occupancy.
- c) The Contractor shall notify each public utility company having structures in proximity to the site of the work of his intention to use explosives. Such notice shall be given sufficiently in advance to enable the companies to take such steps as they may deem necessary to protect their property from injury.

Section 600.712 Use of Fire Hydrants

- a) If the Contractor desires to use water from hydrants, he shall make application to the proper authorities, and shall conform to the municipal ordinances, rules, or regulations concerning their use.
- b) Fire hydrants shall be accessible at all times to the Fire Department. No material or other obstructions shall be placed closer to a fire hydrant than permitted by municipal ordinances, rules, or regulations, or within five (5) feet of a fire hydrant, in the absence of such ordinances, rules, or regulations.

Section 600.713 Protection and Restoration of Property

- a) If corporate or private property interferes with the work, the Contractor shall notify, in writing, the owners of such property, advising them of the nature of the interference and shall arrange to cooperate with them for the protection or disposition of such property. The Contractor shall furnish the Engineer with copies of such notifications and with copies of any agreements between him and the property owners concerning such protection or disposition.
- b) The Contractor shall take all necessary precautions for the protection of corporate or private property, such as walls and foundations of buildings, vaults, underground structures of public utilities, underground drainage facilities, overhead structures of public facilities, trees, shrubbery, crops, and fences contiguous to the

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work, of which the contract does not provide for removal. The Contractor shall protect and carefully preserve all official monuments, property marks, section markers, and Geological Survey monuments, or other similar monuments, until the owner, or an authorized surveyor or agent has witnessed or otherwise referenced their location or relocation. The Contractor shall notify the Engineer of the presence of any such survey or property monuments as soon as they are discovered.

c) The Contractor shall be responsible for the damage or destruction of property of any character resulting from neglect, misconduct, or omission on his manner or method of execution or nonexecution of the work, or caused by defective work or the use of unsatisfactory materials, and such responsibility shall not be released until the work shall have been completed and accepted and the requirements of the specifications complied with.

d) Whenever public or private property is so damaged or destroyed, the Contractor shall, at his own expense, restore such property to a condition equal to that existing before such damage or injury was done, by repairing, rebuilding, replacing it as may be directed, or he shall otherwise make good damages or destruction in an acceptable manner. If he fails to do so the Engineer may, after the expiration of a period of forty-eight (48) hours after giving him notice in writing, proceed to repair, rebuild, or otherwise restore such property as may be deemed necessary, and the cost thereof shall be deducted from any compensation due, or which may become due, the Contractor under his contract.

e) The cost of all materials required and all labor necessary to comply with the above provisions will not be paid for separately, but shall be considered as incidental to the contract.

Section 600.714 Protection and Preservation of Aboriginal Records and Antiquities

a) The Contractor shall take reasonable precaution to avoid disturbing aboriginal records and antiquities or archaeological, paleontological, or historical significance. No objects of this nature shall be disturbed without written permission of the Engineer. When such objects are uncovered unexpectedly, the Contractor shall notify the Engineer of their presence and shall not disturb them until written permission to do so is granted.

b) If it is determined by the Engineer, in consultation with the Illinois State Museum, that exploration or excavation of aboriginal records or antiquities on land owned or leased by the State is necessary to avoid the loss, the Contractor shall cooperate in the salvage work attendant to preservation. If the Engineer determines that the salvage work will delay the Contractor's work, an appropriate extension of contract time will be granted.

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Section 600.715 Forest Protection

a) In carrying out work within or adjacent to State or National Forest, the Contractor shall comply with all rules of the State Fire Marshal, Conservation Commission, Forestry Department, or other authority having jurisdiction, governing the protection of forest and the carrying out of work within forests, and shall observe all sanitary laws and regulations with respect to the performance of work in the forest areas. He shall keep the areas in an orderly conditions, dispose of all refuse, obtain permits for the construction and maintenance of all construction camps, stores, warehouses, residences, latrines, cesspools, septic tanks, and other structures in accordance with the requirements of the Forest Supervisor.

b) The Contractor shall take all reasonable precautions to prevent and suppress forest fires and shall require his employees and subcontractors both independently and at the request of Forest officials, to do all within their power to prevent and suppress and to assist in preventing and suppressing forest fires and to make every possible effort to notify a Forest official at the earliest possible moment of the location and extent of any fire seen by them.

Section 600.716 Responsibility for Damage Claims

a) The Contractor shall indemnify and save harmless the Department and the Department of Transportation, its officers and employees against all loss, damage, or expense that it or they may sustain as a result of any suits, actions, or claims of any character brought on account of injury to or death of any person or persons, including all persons performing any work under the contract, which may arise in any way in connection with the work to be performed under the contract, including but not limited to, suits, actions, or claims arising under "An Act providing for the protection and safety of persons in and about the construction, repairing, alteration, or removal of buildings, bridges, viaducts, and other structures, and to provide for the enforcement thereof," (Ill. Rev. Stat. 1981, ch. 48, pars. 60 et seq.) as amended; the Contractor shall also indemnify and save harmless the Department, its officers and employees, from all suits, actions, or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property, on account of, or in consequence of, any neglect in safeguarding the work; or through use of unacceptable materials in constructing the work; or because of any act or omission, neglect, or misconduct of said Contractor; or because of any claims or amounts recovered for any infringements of patent, trademark, or copyright; or from any claims or amounts arising or recovered under the "Workers' Compensation Act" or any other law, ordinance, order, or decree, and so much of the money due the said Contractor under and by virtue of the contract as shall be considered necessary by the Department for such purposes, may be retained for the

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- use of the Department; or, in case no money is due, his surety shall be held until such suits, actions, or claims have been settled and suitable evidence to that effect furnished to the Department.
- b) This contract is not intended in any of the provisions of any part of the contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this contract. The duties, obligations, and responsibilities of the parties to this contract with respect to third parties shall remain as imposed by law.

Section 600.717 Contractor's Responsibility for Work

- a) The work shall be under the charge and care of the Contractor until final acceptance by the Department. The Contractor shall assume all responsibility for injury or damage to the work by action of the elements or from any other cause whatsoever, and shall rebuild, repair, restore, and make good, at his expense, all injuries or damage to the work, except that when the work is opened to traffic by written order of the Engineer, the provisions of this article shall not apply to damage caused by such traffic and not due to the Contractor's fault or negligence.
- b) When materials are furnished to the Contractor by the Department, for inclusion in the work, the Contractor's responsibility for all such materials shall be the same as for materials furnished by him.
- c) In case of suspension of work from any cause whatever, the Contractor shall be responsible for the project and shall take such precautions as may be necessary to prevent damage to the project, provide for normal drainage and shall erect any necessary temporary structures, signs, or other facilities at his expense. During such period of suspension of work, the Contractor shall properly and continuously maintain in an acceptable growing condition all living material and newly established plantings, seedings, and soddings furnished under this contract, and shall take adequate precautions to protect new tree growth and other important vegetative growth against injury.

Section 600.718 Contractor's Responsibility for Utility Property and Services

- a) At points where the Contractor's operations are adjacent to properties of railroad, telegraph, telephone, and power companies, or are adjacent to other property, damage to which might result in considerable expense, loss or inconvenience, work shall not be commenced until all arrangements necessary for the protection thereof have been made.
- b) The Contractor shall cooperate with the owners of any underground or overhead utility lines in their removal and rearrangement operations in order that these operations may progress in a reasonable manner, that duplication of rearrangement work may be reduced to a minimum,

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- and that services rendered by those parties will not be unnecessarily interrupted.
- c) In the event of interruption to water or utility services as a result of accidental breakage or as a result of being exposed or unsupported, the Contractor shall promptly notify the proper authority and shall cooperate with the said authority in the restoration of service. If water service is interrupted repair work shall be continuous until the service is restored. No work shall be undertaken around fire hydrants until provisions for continued service have been approved by the local fire authority.

Section 600.719 Furnishing Right-of-Way

The Department will make available all necessary right-of-way in advance of construction. Any exceptions will be indicated in the contract.

Section 600.720 Personal Liability of Public Officials

In carrying out any of the provisions of this contract or in exercising any power or authority granted to him thereby, there shall be no personal liability upon the Engineer or his authorized representative, it being understood that in such matters they act as agents and representatives of the State.

Section 600.721 No Waiver of Legal Rights

The Department shall not be precluded or estopped by any measurement, estimate, or certificate made either before or after the completion and acceptance of the work and payment therefor, from showing the true amount and character of the work performed and materials furnished by the Contractor nor from showing that any such measurement, estimate, or certificate is untrue or is incorrectly made nor that the work or materials do not in fact conform to the contract. The Department shall not be precluded or estopped, notwithstanding any such measurement, estimate, or certificate and payment in accordance therewith, from recovering from the Contractor or his sureties, or both, such damage as it may sustain by reason of his failure to comply with the terms of the contract. Neither the acceptance by the Department, or any representative of the Department nor any payment for or acceptance of the whole or any part of the work, nor any extension of time, nor any possession taken by the Department, shall operate as a waiver of any portion of the contract or of any power herein reserved, or of any right to damages. A waiver of any breach of the contract shall not be held to be a waiver of any other or subsequent breach.

Section 600.722 Protection of Streams, Lakes, and Reservoirs

The Contractor shall take sufficient precautions to prevent pollution of streams, lakes, and reservoirs as a result of contract work. He shall conduct and schedule his operations so as to avoid or minimize siltation of streams, lakes, and reservoirs. Where, in the opinion of the Engineer, the land has a

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high potential for erosion the areas that can be exposed by construction operations at any one time will be subject to approval by the Engineer and the duration of the exposure of the uncompleted construction to the elements shall be as short as practicable. Erosion control features shall be constructed concurrently with other work as directed by the Engineer.

SUBPART H: PROSECUTION AND PROGRESS

Section 600.801 Subletting of Contract

- a) The Contractor shall not sublet, sell, transfer, assign, or otherwise dispose of the contract or contracts or any portion thereof, or of his right, title, or interest therein, without written consent of the Engineer. In case such consent is given, the Contractor will be permitted to sublet a portion thereof, but shall perform with his own organization, work amounting to not less than fifty (50) percent of the total contract cost, except that any items designated in the contract as "specialty items" may be performed by subcontract and the cost of any such specialty items so performed by the subcontract may be deducted from the total cost before computing the amount of work required to be performed by the Contractor with his own organization. No subcontracts, or transfer of contract, shall in any case release the Contractor of his liability under the contract and bonds. All transactions of the Engineer shall be with the Contractor; subcontractors shall be recognized only in the capacity of employees or workmen and shall be subject to the same requirements as to character and competence.
- b) The Contractor shall have his own representative on the job at all times when either contract or subcontract work is being performed.

Section 600.802 Progress Schedule

- a) Promptly after the award of the contract, prior to the preconstruction conference, the Contractor shall submit to the Engineer a satisfactory progress schedule or critical path schedule which shall show the proposed sequence of work, and how the Contractor proposes to complete the various items of work within the number of working days set up in the contract or on or before completion date specified in the contract.
- b) This schedule shall be used as a basis for establishing the controlling item of construction operations and for checking the progress of work. The controlling item shall be defined as the item which must be completed either partially or completely to permit continuation of progress. It shall be the responsibility of the Contractor to show his intended rate of production for each controlling item listed on the schedule during the period such item is controlling.
- c) The Contractor shall confer with the Engineer at regular intervals in

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regard to the prosecution of the work in accordance with the progress schedule or critical path schedule.

Section 600.803 Prosecution of Work

- a) The Contractor shall begin the work to be performed under the contract not later than ten (10) days after the execution and acceptance of the contract, unless otherwise provided in the contract. The work shall be prosecuted in such a manner and with such a supply of materials, equipment, and labor as is considered necessary to insure its completion in accordance with the progress schedule.
- b) If the Contractor is unable to begin work as required, the Engineer shall be notified in writing. Unless the Engineer gives written approval for a delay in beginning work, working days will be computed in accordance with Section 600.804.
- c) The Contractor shall notify the Engineer at least twenty-four (24) hours in advance of either discontinuing or resuming operations.

Section 600.804 Working Days

- a) When the contract provides a specified number of working days or a completion date with a guaranteed number of working days, the charging of working days shall start when the Contractor begins actual construction work, and in no case later than ten (10) days after the execution and approval of the contract, unless otherwise provided in the contract.
- b) A working day shall be defined as any calendar day except Saturdays, Sundays, or legal holidays in Illinois. The length of a working day will be determined by the Engineers from the number of working hours established by actual job practice by the Contractor for the current controlling item, except that not less than eight (8) hours will be considered in the determination.
- c) A full working day will be charged for any day described in the foregoing on which conditions are such that the Contractor could be expected to do a full day's work on the controlling item. A full working day will be charged on days when the Contractor could be working on a controlling item, but elects not a work, or elects to work elsewhere.
- d) No allowance will be made for delay or suspension of the work due to the fault of the Contractor.
- e) The Engineer will determine which days are workable.
- f) A partial working day of one-quarter (1/4), one-half (1/2) or three-quarters (3/4) shall be charged under the following conditions:
 - 1) When weather conditions do not permit the completion of a full day's work on the controlling item;
 - 2) When job conditions due to recent weather do not permit full efficiency of the men or equipment which are working on the controlling item; or

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- 3) A shortage of help which is beyond the Contractor's control prevents reasonable progress on a controlling item.
- g) No working days shall be charged under the following conditions:
- 1) When adverse weather prevents work on the controlling item;
 - 2) When job conditions due to recent weather prevent work on the controlling item;
 - 3) When work has been suspended by an act or an omission of the Department or the Engineer;
 - 4) When strikes, lock-outs, extraordinary delays caused by utility and railroad work, extraordinary delays in transportation, or inability to procure critical materials suspend work on the controlling item, as long as these delays are not due to any fault of the Contractor; or
 - 5) When any condition over which the Contractor has not control causes suspension of work on the controlling item.
- h) One (1) copy of the "Weekly Report of the Resident Engineer" will be mailed to the Contractor's office weekly. Any disagreement with the working day charges shown must be expressed in writing to the District or Regional Engineer within seven (7) working days of receipt of the report giving detailed reasons of such disagreement. The final resolution of such disagreement will be made by the Engineer.

Section 600.805 Completion Date and Completion Date with Guaranteed Working Days

- a) Completion Date. When a completion date is specified, the Contractor shall complete all work on or before the specified date.
- b) Completion Date with Guaranteed Working Days. When a completion date with guaranteed working days is specified, the Contractor shall complete all work on or before the specified completion date or within the number of guaranteed working days, whichever period is the longer.

Section 600.806 Workmen, Methods, and Equipment

- a) The Contractor shall at all times employ sufficient labor and equipment for prosecuting the several classes of work to full completion in the manner and time required by these specifications.
- b) All workmen shall have sufficient skill and experience to perform properly the work assigned to them. Workmen engaged in special work or skilled work shall have sufficient experience in such work and in the operation of the equipment required to perform all work properly and satisfactorily.
- c) Any person employed by the Contractor or by any subcontractor who, in the opinion of the Engineer, does not perform his work in a proper and skillful manner or is intemperate or disorderly shall, at the written request of the Engineer, be removed forthwith by the Contractor or subcontractor employing such person, and shall not be employed again in any portion of the work without the approval of the Engineer.

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- d) Should the Contractor fail to remove such person or persons as required above, or fail to furnish suitable and sufficient personnel for the proper prosecution of the work, the Engineer may suspend the work by written notice until such orders are complied with.
- e) All equipment which is proposed to be used on the work shall be of sufficient size and in such mechanical condition as to meet requirements of the work and to produce a satisfactory quality of work. Equipment used on any portion of the project shall be such that no injury to adjacent property will result from its use.
- f) When the methods and equipment to be used by the Contractor in accomplishing the construction are not prescribed in the contract, the Contractor is free to use any methods or equipment that he demonstrates to the satisfaction of the Engineer will accomplish the contract work in conformity with the requirements of the contract.
- g) When the contract specifies that the construction be performed by the use of certain methods and equipment, such methods and equipment shall be used unless others are authorized by the Engineer. If the Contractor desires to use a method or type of equipment other than specified in the contract, he may request authority from the Engineer to do so. The request shall be in writing and shall include a full description of the methods and equipment proposed to be used and an explanation of the reasons for desiring to make the change. If approval is given, it will be on the condition that the Contractor will be fully responsible for producing construction work in conformity with contract requirements. If, after trial use of the substituted method or equipment, the Engineer determines that the work produced does not meet the contract requirements, the Contractor shall discontinue the use of the substitute method or equipment and shall complete the remaining construction with the specified methods and equipment. The Contractor shall remove the deficient work and replace it with work of specified quality, or take such other corrective action as the Engineer may direct. No change will be made in the basis of payment for the construction items involved nor in contract time as a result of authorizing a change in methods or equipment under these provisions.

Section 600.807 Suspension of Work

- a) The Engineer shall have the authority to suspend the work wholly, or in part, for such period of time as he may deem necessary, due to conditions unfavorable for the satisfactory prosecution of the work, or to conditions which in his opinion warrant such action; or for such time as it is necessary by reason of failure on the part of the Contractor to carry out orders given, or to perform any or all provisions of the contract. No additional compensation will be paid to the Contractor because of any costs caused by such suspension, except when the suspension is ordered by reasons not resulting from or related to weather conditions, utility adjustments, Railroad work,

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work by other Contractors on or near the work covered by the contract, or any act or omission on the part of the Contractor. If it becomes necessary to stop work for an indefinite period of time, the Contractor shall store all materials in such manner that they will not become damaged in any way, take every precaution to prevent damage or deterioration of the work performed, provide suitable drainage of the construction site consistent with the provisions of Section 600.722 and erect temporary structures where necessary. The Contractor shall not suspend work without written authority from the Engineer.

- b) Liquidated damages shall not accrue during the period in which work is suspended by written approval of the Engineer unless such suspension is due to the failure of the Contractor to comply with the provisions of the contract.

Section 600.808 Determination and Extension of Contract Time

- a) Working Days.

1) When the contract provides a specified number of working days it is understood that completion of the work within the specified number of working days is an essential part of the contract. The Contractor's plea that insufficient time was specified is not a valid reason for extension of time.

2) A request for an extension of time may be initiated by either the Engineer or the Contractor. If the Department finds that the quantities of work done, or to be done, are in excess of the estimated quantities by an amount sufficient to warrant additional time, it may grant an extension of time for completion which appears reasonable and proper. The extended number of working days for completion shall then be considered as in effect the same as if it were the original time for completion.

- b) Completion Date. When a completion date is specified, it is understood that time is of the essence and that completion of the work by that date is an essential part of the contract. The Contractor's plea that insufficient time was specified is not a valid reason for extension of time.

c) When a delay occurs due to unforeseen causes beyond the control and without fault or negligence of the Contractor, including, but not restricted to, acts of God, acts of public enemy, government delays caused by utilities or railroad; extraordinary delays in delivery, or materials and work added to the contract which effects progress on the controlling item, the time of completion shall be extended in whatever amount is determined by the Department to be equitable.

- d) An "Act of God" means an earthquake, flood, cloud-burst, tornado, or other phenomena of nature beyond the power of the Contractor to foresee or to make preparations in defense against. A rain, windstorm, or other natural phenomenon of normal intensity, based on U.S. Weather Bureau reports, for the particular locality and for the particular season of the year in which the work is being prosecuted,

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shall not be construed as an "Act of God" and no extension of time will be granted for the delays resulting therefrom. No extension of time will be granted for any delay or suspension of the work due to the fault of the Contractor. No extension of time on account of a delay due to unforeseen causes will be granted if written application therefore is not filed by the Contractor with the Department setting forth the reasons which he believes will justify the approval of his request.

- e) After the Contractor has filed a request for an extension of time, the Department will notify the Contractor, in writing, whether or not such extension will be approved. If approved, the extended date for completion shall then be considered as in effect the same as if it were the original date for completion.

f) Completion Date With a Guaranteed Number Working Days.

- 1) When a completion date is specified in a contract which provides a guaranteed number of working days, it is understood that completion of the work by the contract date is an essential part of the contract.
- 2) Working days shall be charged as specified in Section 600.804. The guaranteed number of working days may be extended as provided in subsection (a) of this Section.
- 3) If the Contractor has not had the guaranteed number of working days available to him by the specified completion date, that date may be extended to a date such that the guaranteed number of working days have been available. This date shall then be considered in effect the same as if it were the original date for completion.

Section 600.809 Failure to Complete Work on Time

- a) Should the Contractor fail to complete the work within the working days stipulated in the contract or on or before the completion date stipulated in the contract or within such extended time as may have been allowed, the Contractor shall be liable to the Department in the amount shown in the following schedule of deductions, not as a penalty but as liquidated damages, for each day of overrun in the contract time or such extended time as may have been allowed.

Schedule of Deductions for Each
Day of Overrun in Contract Time

Original Contract Amount		*Daily Charge	
From More Than	To an Including	Calendar Day	Work Day
\$ 0	\$ 25,000	\$ 30	\$ 42
\$ 25,000	50,000	50	70

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Schedule of Deductions for Each
Day of Overrun in Contract Time

Original Contract Amount	To an Including	*Daily Charge	
		Calendar Day	Work Day
50,000	100,000	75	105
100,000	500,000	100	140
500,000	1,000,000	150	210
1,000,000	2,000,000	200	280
2,000,000	3,000,000	300	420
3,000,000	5,000,000	500	700
5,000,000	7,500,000	750	1,050
7,500,000	10,000,000	1,000	1,400
10,000,000	15,000,000	1,500	2,100
15,000,000	20,000,000	2,000	2,800
20,000,000	25,000,000	2,500	3,500
25,000,000	30,000,000	3,000	4,200
30,000,000	35,000,000	3,500	4,900
over	35,000,000	4,000	5,600

b) If contracts are awarded on the basis of a multiple bid, the contract amount of the individual contracts comprising the multiple bid shall be totaled and the daily charge shall be that required for such total amount.

* The daily charge shall be made for every day shown on the calendar beyond the specified completion date; and when the time limit is specified as working days, the daily charge shall be made for each additional working day, computed as specified in Section 600.804.

Section 600.810 Default on Contract

If the Contractor fails to begin the work under contract within the time specified, or fails to perform the work with sufficient workmen and equipment or with sufficient materials to insure the completion of said work within the specified time, or shall perform the work unsuitably, as determined by the Engineer, or shall neglect or refuse to remove materials or perform anew such work as shall be rejected as defective and unsuitable, or shall discontinue the prosecution of the work, or if the Contractor shall become insolvent or be declared bankrupt, or shall commit any act of bankruptcy, or insolvency, or shall make an assignment for the benefit of creditors, or from any other cause whatsoever shall not carry on the work in the manner approved by the Engineer, the Engineer shall give notice in writing to the Contractor and his surety of such delinquency, said notice to specify the corrective measures required. If the Contractor, within ten (10) days after said notice, shall not proceed in accordance therewith, the Department shall, upon written certificate from the Engineer of the fact of such delinquency and the Contractor's failure to comply

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with said notice, have full power and authority to forfeit the rights of the Contractor and at its option to call upon the surety to complete the work in accordance with the terms of the contract, or it may take over the work, including any of all materials and equipment on the ground as may be suitable and acceptable, and may complete the work with its own forces, or use such other methods as, in its opinion, shall be required for the completion of said contract in an acceptable manner. All costs and charges incurred by the Department, together with the cost of completing the work under contract, shall be deducted from any moneys due or which may become due on such contract. In case the expense so incurred by the Department shall be less than the sum which would have been payable under the contract if it had been completed by the Contractor, the Contractor shall be entitled to receive the difference subject to any claims for liens thereon which may be filed with the Department, or any prior assignment filed with it, and in case such expense shall exceed the sum which would have been payable under the contract, the Contractor and the surety shall be liable and shall pay to the Department the amount of such excess.

Section 600.811 Termination of the Contractor's Responsibility

Whenever the improvement called for by the contract shall have been completely performed on the part of the Contractor and all parts of the work have been approved by the Engineer and accepted by the Department according to the contract, and the final estimate paid, the Contractor's obligations shall then be considered fulfilled, except as set forth in his bond and in Sections 600.716 and 600.721.

Section 600.812 Emergency Termination of Contracts

- a) In the event of a National emergency and work to be performed under a contract is stopped directly or indirectly, because of the freezing or diversion of materials, equipment, or labor, as the result of an order or a proclamation of the President of the United States and/or an order of any Federal Authority and the circumstances or conditions are such that it is impossible within a reasonable time to proceed with a substantial portion of the work, as determined by the Engineer, then the Department and Contractor may, by written agreement, subject to the following conditions, terminate said contract or any part thereof.
 - b) When contracts, or any portion thereof, are definitely terminated or cancelled, and the Contractor released before all items of work included in his contract have been completed, payment will be made for the actual number of units of items of work completed at contract unit prices, or as specified in Section 600.904 for partially completed items, and no claim for loss of anticipated profits shall be considered. Reimbursement for organizations of the work and moving equipment to and from the job will be considered where the volume of the work completed is too small to compensate the Contractor for these expenses under the contract unit prices, the intent being that an equitable settlement will be made with the Contractor.

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- c) Acceptable materials, obtained by the Contractor for the work, that have been inspected, tested, and accepted by the Engineer, and that are not incorporated in the work may, at the option of the Engineer, be purchased from the Contractor at actual cost as shown by receipted bills and actual cost records at such points of delivery as may be designated by the Engineer.
- d) If such terms and conditions of cancellation of all or any part of a contract cannot be agreed upon, the original contract shall remain in full force and effect.
- e) Termination of a contract, as stated above, will not relieve the Contractor of his surety of the responsibility of replacing defective work as required by the contract.

SUBPART I: MEASUREMENT AND PAYMENT

Section 600.901 Measurement of Quantities

All work completed under the contract will be measured by the Engineer according to United States standard measures. For all measurements the dimensions used in calculating the pay areas shall be the exact dimensions shown on the plans, or the dimensions ordered in writing by the Engineer unless inaccuracies in these measurements compelled additional work or materials by the Contractor.

Section 600.902 Scope of Payment

- a) The Contractor shall receive and accept the compensation as herein provided, in full payment for furnishing all materials, labor, tools, and equipment; for performing all work contemplated and embraced under the contract; for all loss or damage arising out of the nature of the work or from the action of the elements; for any unforeseen difficulties or obstructions which may arise or be encountered during the Prosecution of the work until its final acceptance by the Department; for all risks of every description connected with the prosecution of the work; also, for all expenses incurred by or in consequence of suspension or discontinuance of such prosecution of the work as herein specified, or for any infringement of patents, trademarks, or copyrights, and for completing the work in an acceptable manner according to the plans and specifications.

- b) If subsequent to the date of letting, there is a general increase in freight rates, authorized by National legislation or by National Government Authority, or a general increase granted by the Illinois Commerce Commission for all railroads or barge lines or any one railroad or barge line on materials, with the exception of cement, entering and becoming a part of the finished work, the amount of such increase, when shown by receipted freight bills, will be paid by the Department to the Contractor; provided, that should there be a general reduction in freight rates by the same authorities, the amount of such

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- reduction on said materials, other than cement, when shown by receipted freight bills, will be deducted by the Department from any sums due the Contractor.
- c) The payments or deduction provided for herein will not be made with respect to any shipment of materials prior to batching, mixing, or fabricating in plants whose production is not exclusively for the contract, nor price to warehousing or stock-piling in stocks not used exclusively for the contract. No adjustment will be made for shipments by truck.
- d) In the event that a "short procedure rate" is approved by the Interstate Commerce Commission and published, or a "shortened procedure rate" is approved by the Illinois Commerce Commission and published, and there is subsequent general increase or decrease in rates for the material in question, an adjustment will be made up or down as the case may be for the "short" or "shortened" procedure rate.
- e) Payment for furnished, transporting and placing all portland cement, high early-strength portland cement, or other special cement shall be included in the contract unit price for the payment item in which it is included.
- f) The payment of any current estimate prior to final acceptance of the work by the Department shall in no way constitute an acknowledgment of the acceptance of the work, nor in any way prejudice or affect the obligation of the Contractor, at his expense, to repair, correct, renew, or replace any defects or imperfections in the construction or in the strength or quality of the materials used in or about the construction of the work under contract and its appurtenances, nor any damage due or attributable to such defects, which defects, imperfections, or damage shall have been discovered on or before the final inspection and acceptance of the work. The Engineer shall be the sole judge of such defects, imperfections, or damage, and the Contractor shall be liable to the Department for failure to correct the same as provided herein.

Section 600.903 Increased or Decreased Quantities

- a) Whenever the quantity of any pay item as given in the proposal shall be increased or decreased, payment shall be made on the basis of the actual quantity completed at the unit price for such pay item named in the proposal, except as otherwise provided in Section 600.403, or in the detailed specifications for each class of work.
- b) Should any pay item contained in the proposal be found unnecessary for the proper completion of the work, the Engineer may, upon written order to the Contractor, eliminate such pay items from the contract, and such action shall in no way invalidate the contract. When a Contractor is notified of the elimination of pay items, he will be reimbursed for actual work done and all costs incurred, including mobilization of materials prior to said notification.

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Section 600.904 Payment for Extra Work

a) Extra work which results from any of the changes as specified in Section 600.404 shall not be started until authorization from the Engineer is received which authorization shall state the items of work to be performed and the method of payment for each item. Work performed without such order will not be paid for.

b) Extra work will be paid for:

- 1) Either at a lump sum price or at unit agreed upon by the Contractor and the Engineer;
- 2) On the following force account basis:

A) Labor.

i) For all labor and foreman in direct charge of the specific operations, the Contractor shall receive the rate of wage agreed upon in writing before beginning work for each and every hour that said labor and foremen engaged in such work.

ii) The Contractor shall receive the actual costs paid to, or in behalf of, workmen by reason of subsistence and travel allowances, health and welfare benefits, pension fund benefits or other benefits, when such amounts are required by collective bargaining agreement or other employment contract generally applicable to the classes of labor employed on the work.

iii) An amount equal to twenty (20) per cent of the sum of the above items will also be paid the Contractor.

B) Bond, Insurance, and Tax. For property damage, liability, and workmen's compensation insurance premiums, unemployment insurance contributions, and social security taxes on the force account work, the Contractor shall receive the actual cost, to which six (6) percent will be added. The Contractor will furnish satisfactory evidence of the rate or rates paid for such bond, insurance, and tax;

C) Materials: For materials accepted by the Engineer and used, the Contractor shall receive the actual cost of such materials delivered on the work, including transportation charges paid by him (exclusive of machinery rentals as hereinafter set forth), to which cost fifteen (15) percent will be added;

D) Equipment. For any machinery or special equipment (other than small tools) the use of which has been authorized by the Engineer, the Contractor will be paid in accordance with the latest revision of "Schedule of Average Annual Equipment Ownership Expense with Operating Cost" as issued by the Department of Transportation. The equipment should be of a type and size reasonably required to complete the extra work;

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E) Miscellaneous. No additional allowance will be made for general superintendence, the use of small tools, or other costs for which no specific allowance is herein provided; and

F) Statements. No payment will be made for work performed on a force account basis until the Contractor has furnished the Engineer with itemized statements of the cost of such force account work detailed as follows:

- i) Name, classification, date, daily hours, total hours, rate, and extension for each laborer and foreman;
- ii) Designation, dates, daily hours, total hours, rental rate, and extension for each unit of machinery and equipment;
- iii) Quantities of materials, prices and extensions;
- iv) Transportation of materials; and
- v) Cost of property damage, liability and worker's compensation insurance premiums, unemployment insurance contributions, and social security tax.

c) Statements shall be accompanied and supported by receipts for all materials used and transportation charges. However, if materials used on the force account work are not specifically purchased for such work but are taken from the Contractor's stock, then in lieu of the invoices the Contractor shall furnish an affidavit certifying that such materials were taken from his stock, that the quantity claimed was actually used, and that the price and transportation claimed represent the actual cost to the Contractor.

Section 600.905 Payment for Incidental Work

Upon written order of the Engineer, the Contractor shall pay the bills in connection with incidental expenses which are not the responsibility of the Contractor. The Contractor will be reimbursed for the actual amount so paid out to which will be added five (5) percent of that amount.

Section 600.906 Payment for Items Omitted

a) Should the Department cancel or alter any portion of the contract which results in the elimination or noncompletion of any portions of the work partially completed, the Contractor will be allowed a fair and equitable amount covering all items of work incurred prior to the date of cancellation, alteration, or suspension of such work.

b) The Contractor shall be allowed a profit percentage on the materials used and the construction work actually performed at the rate specified in Section 600.904, but no allowance will be made for any change in anticipated profits. Acceptable materials ordered by the Contractor or delivered on the work prior to the date of cancellation, alteration, or suspension by the Engineer shall be purchased from the Contractor by the Department at actual costs and shall thereupon

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become the property of the Department; or at the option of the Engineer the unused acceptable material shall remain the property of the Contractor, and he shall be paid the actual cost including freight, unloading, and hauling costs less the actual salvage value.

Section 600.907 Partial Payments

a) At least once each month, the Engineer will make an appropriate estimate, in writing, of the materials in place complete, the amount of work performed, and the value thereof at the contract unit prices. From the amount so determined for the first fifty (50) percent of completed work there shall be deducted ten (10) percent to be retained until after the completion of the entire work to the satisfaction of the Engineer, and the balance certified to the Department for payment, except that no amount less than five hundred dollars (\$500.00) will be so certified unless the total amount of the contract is less than five hundred dollars (\$500.00). After fifty (50) percent or more of the work is completed, the Engineer may, at his discretion, certify the remaining partial payments without any further retention, provided that satisfactory progress is being made, and provided that the amount retained is not less than five (5) percent of the total adjusted contract price.

b) In addition, an estimate may, at the discretion of the Department and upon presentation of receipted bills and freight bills, be made for payment of the value of acceptable reinforcing steel, structural steel, stone, gravel, sand, or any other nonperishable materials delivered on the work or in acceptable storage places and not used at the time of such estimate. From the value of such materials, there shall be deducted ten (10) percent to be retained until final payment.

Such materials, when so paid for by the Department shall become the property of the Department, and in the event of default on the part of the Contractor, the Department may use or cause to be used such materials in the construction of the work provided for in the contract. The amount thus paid by the Department shall be deducted from estimates due the Contractor as the material is used in the work.

c) At the request of the Contractor with the approval of the Department, the retainage of the contract set forth in this Section and Section 600.908 may be deposited under a trust agreement with an Illinois bank of the Contractor's choice and subject to the approval of the Department. The Contractor shall receive any interest thereon. Pursuant to application by the Contractor, a trust agreement by the bank and the Department shall contain as a minimum, the following provisions:

- 1) The amount to be deposited subject to the trust;
- 2) The terms and conditions of payment in case of default of the Contractor; and
- 3) The termination of the trust agreement upon completion of this contract.

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d) The Contractor shall be responsible for obtaining the written consent of the bank trustee and any costs of service fees shall be borne by the Contractor. The trust agreement may, at the discretion of the Department and upon request of the Contractor, become operative at the time of the first partial payment in accordance with existing statutes and Department procedures.

Section 600.908 Semi-Final Payments

At the discretion of the Department and with the consent of the surety, a semi-final estimate may be made when the principal items of work have been satisfactorily completed. Payment to the Contractor under such an estimate shall not exceed ninety (90) percent of the amount retained by the Department after making partial payments, but in no event shall the amount retained by the Department after making the semi-final payment be less than one (1) per cent of the adjusted contract price, nor less than five hundred dollars (\$500.00.)

Section 600.909 Acceptance and Final Payment

a) Whenever the improvement provided for by the contract shall have been completely performed on the part of the contractor, and all parts of the work have been approved by the Engineer, a final estimate showing the value of the work will be prepared by the Engineer as soon as the necessary measurements and computations can be made, all prior estimates upon which payments have been made being approximate only and subject to correction in the final payment. The amount of this estimate, less any sums that have been deducted or retained under the provisions of the contract, will be paid to the Contractor as soon as practicable after the final approval of the work, provided the Contractor has furnished to the Department satisfactory evidence that all sums of money due for any labor, materials, apparatus, fixtures, or machinery furnished for the purpose of such improvements have been paid or that the person or persons to whom the same may be due have consented to such final payment.

b) Unless the Contractor files a claim for adjudication by the Court of Claims within sixty (60) days after acceptance of final payment, the final payment shall constitute a release and waiver of any and all rights and privileges under the terms of the contract, and shall relieve the Department from any and all claims or liabilities for anything done or furnished relative to the work or for any act or neglect on the part of the Department relating to or connected with the contract.

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1) Heading of the Part: Designation of Restricted Waters in the State of Illinois

2) Code Citation: 17 Ill. Adm. Code 2030

3) Section Numbers: Proposed Action:
2030.20 Amendments
2030.50 Amendments

4) Statutory Authority: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

5) A Complete Description of the Subjects and Issues Involved: Public safety concerns exist due to the opening of the Downtown Marina at Peoria and the growth of boating at the confluence of the Illinois and Mississippi Rivers. These amendments create a no-wake zone for the length of the new marina at Peoria and a no-wake zone at the confluence of the Illinois and Mississippi Rivers.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

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C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER e: LAW ENFORCEMENT

PART 2030

DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

Section	
2030.10	General Regulations
2030.10	General Regulations (Repealed)
2030.15	Designation of Restricted Waters by the Department of Natural Resources
2030.20	Region I - Designated Restricted Boating Areas
2030.30	Region II - Designated Restricted Boating Areas
2030.40	Region III - Designated Restricted Boating Areas
2030.50	Region IV - Designated Restricted Boating Areas
2030.60	Region V - Designated Restricted Boating Areas (Repealed)
2030.70	Riverboat Gambling Casinos - Designated Restricted Boating Areas

AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act [625 ILCS 45/5-7 and 5-12].

SOURCE: Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendment at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency expired September 20, 1988; emergency amendment at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; corrected at 13 Ill. Reg. 967; emergency amendment at 13 Ill. Reg. 2878, effective February 21, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 12814, effective July 21, 1989; amended at 16 Ill. Reg. 8483, effective May 26, 1992; amended at 19 Ill. Reg. 7549, effective May 26, 1995; emergency amendment at 19 Ill. Reg. 11967, effective August 3, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 750, effective December 29, 1995; amended at 20 Ill. Reg. 7864, effective June 3, 1996; recodified by changing the name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 15692, effective December 2, 1996; amended at 23 Ill. Reg. _____, effective _____.

Section 2030.20 Region I - Designated Restricted Boating Areas.

- a) The following portions of the Rock River are designated as Slow, No Wake areas:
- 1) An area of the Rock River located at Moonlite Bay, 4 miles east of Sterling and 6 miles west of Dixon, Illinois.
 - 2) The portion of the Rock River 1/4 mile above the dam at Oregon,

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- b) The following portions of the Fox River are designated as Slow, No Wake areas:

The portion of the Fox River between the Main Street bridge of the City of Ottawa and the mouth of the Fox River at the confluence of the Illinois River.

- c) The following portions of the Illinois River are designated as Slow, No Wake areas:

- 1) The portion of the Illinois River from the Burlington Northern R.R. bridge in the City of Ottawa to the upstream side of the mouth of the Fox River.

- 2) The area of the Illinois River near the Spring Bay boat harbor at Spring Bay, Illinois.

- 3) An area of the Illinois River at the Woodford County Conservation area, 7 miles north of Spring Bay off Route 87.

- 4) An area of the Illinois River located at the Detweiller Marina, Peoria, Illinois.

- 5) An area of the Illinois River from the southernmost edge of the Downtown Riverfront Marina to the Murray Baker Bridge, Peoria, Illinois.

- 6) An area of the Illinois River at Alfrisco Harbor, Peoria Heights, Illinois.

- 7) An area located at the Sobowski Marina, Peoria Heights, Illinois.

- 8) An area located at the Illinois Valley Yacht Club, Peoria Heights, Illinois.

- 9) An area at Henry, Illinois, on the west side of the River from Browns Landing to 300 yards north of the bridge.

- 10) The Lacon Boat Club Dock, Lacon, Illinois.

- 11) The boat harbor at Lacon, Illinois.

- 12) An area at the South Shore Boat Club, Peru, Illinois.

- 13) The harbor of Starved Rock Marina, Ottawa, Illinois.

- 14) The waters of the Illinois River beginning in front of the Pekin Boat Club launching ramp.

- d) The following portions of the Mississippi River are designated as Slow, No Wake areas:

- 1) An area bordering the Savanna Park waterfront, extending from a jetty south of the Ritchie Boat Dock, north to a jetty north of the Kindell Marina.

- 2) An area in Valey Chute which runs through the Andalusia Islands located 4 miles west of Andalusia.

- 3) An area at the launching ramp and harbor of the Rock Island Boat Club located at the foot of 18th Avenue in Rock Island.

- 4) An area at the harbor and boat ramp in front of the Legion Hall at Cordova, Illinois.

- 5) An area located at the boat ramps, City of Moline, between 26th Street and 34th Street and River Drive.

- 6) An area near the launching ramps and bathing beach at Keithsburg, Illinois.

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- 7) An area in the chute connecting Sturgeon Bay and the Mississippi River at New Boston, Illinois.
- 8) An area near the boat ramp and floating gas station at the end of Route 17 at New Boston.
- 9) An area at Shokohon, Illinois.
- 10) An area in the fish preserve lock and dam 19 at Hamilton, Illinois.
- 11) The public launching area 3 miles north above the dam at Hamilton.
- 12) The waters of Harris Slough Mississippi River backwaters at the Galena Boat Club, 3 miles south of Galena, Illinois.
- 13) The waters encompassing the cut starting at the mouth of the cut on Deadman's Slough, then northward approximately 250 feet to the confluence of the Harris and Keohough Sloughs.
- 14) The backwater section of the Mississippi River (river mile marker 479.8) that starts at the Harbor opening of Potter's Lake, Sunset Park, Rock Island and covers the entire lake area.
- 15) The area of Cattail Slough off the Mississippi River, located south of Fulton, Whiteside County, 7/10 mile in length, 150 yards wide, starting on the north at the Chicago and Northwestern R.R. bridge and extending south 7/10 of a mile to the first narrows.
- 16) The waters of the south entrance to Chandler Slough lying upstream from the north boundary of the U.S. Fish and Wildlife Service property up to and including the Bent Prop Marina harbor area.
- 17) The waters of Frontress Lake lying upstream from the boat ramp at Charles Boat Dock, including the adjacent sand pit harbor area.
- 18) An area of the Mississippi River in the vicinity of the Lazy River Marina at Savanna, Illinois, extending from the upper limit of the dredge cut at Miller's Lake to a point north of the Miller's Hollow public launching ramp.
- 19) An area located approximately at Mississippi River mile 536.6 known as Savanna Slough from the Soo Line railroad bridge north to the north point of the Savanna Park District island as posted by signs or buoys.
- e) The following waters shall be designated as restricted waters as described below:
- 1) NO BOATS
 - A) The swimming area at Martin Park, Loves Park, Illinois.
 - B) The swimming area at Albany Beach located in Albany Township.
 - C) The swimming area at the Santa Fe Island bar, approximately 4 miles north of Savanna.
 - D) The head of Big Island and 1 1/2 miles north of Oquawka, Illinois.
 - E) The Boy Scout Camp located on Lake Cooper, Mississippi River.
 - F) The waters of the four chutes of Argyle Lake, approximately

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- 2 miles north of Colchester, Illinois.
- G) The water 600 feet above and 150 feet below dams 12, 13, 14, 15, 16, 17 and 18 on the Mississippi River.
- 2) NO SKI - It shall be unlawful to water ski in the following designated waters:
- That area of the inside cut of the Mississippi River, opening directly into Frontrees Lake, includes the area from the north to the south entrances from the river slough, inclusive, east of Mile Post 576.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 2030.50 Region IV - Designated Restricted Boating Areas

- a) The following portions of the Illinois River are designated as Slow, No Wake areas:
- 1) The designated area in the vicinity of the boat launching ramp at Havana, Illinois.
 - 2) The mouth of Patterson Bay.
 - 3) The waters of Bath Chute at head of Island, at the foot of Island, above the town of Bath, Illinois, and below the town of Bath, Illinois.
 - 4) Designated areas of Silver Lake in Calhoun County.
 - 5) Near Grafton, Illinois, an area at the confluence of the Illinois and Mississippi Rivers starting at the old water treatment plant and extending 150 feet out from the shoreline continuing upstream to Shaffer's Wharf.
- b) The following portion of the Mississippi River is designated as No Boats:
- The water 600 feet above and 150 feet below dams 19, 20, 21 and 22 on the Mississippi River.
- c) The following portions of Quincy Bay in Adams County are designated as Slow, No Wake Areas:
- 1) Designated area at the entrance to Broad Lake.
 - 2) Designated area at the "River Channel Cut-Through."
 - 3) Quincy Bay Harbor area from the Railroad Bridge south to the southern tip of Quinsippi Island.
- d) Piasea Creek in Jersey County from its mouth at the Mississippi River upstream to Illinois Route 100 bridge.
- e) Otter Creek in Jersey County from its mouth at the Illinois River upstream to Illinois Route 100 bridge.
- f) The following portions of Sangchris Lake in Christian County are designated as No Boat areas:
- 1) The power plant intake arm beyond the buoy line.
 - 2) The power plant discharge arm beyond the buoy line.
 - 3) The designated South Waterfowl Refuge or Rest Area.
 - 4) The designated North Waterfowl Refuge or Rest Area.

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- g) Macoupin Creek from its mouth at the Illinois River upstream to Reddish Ford bridge.
- h) The following portions of Coffeen Lake in Montgomery County are designated as No Boats and No Fishing areas:
- 1) The power plant intake arm beyond the buoy line.
 - 2) The power plant discharge arm beyond the buoy line.
 - 3) The buoyed area of the spillway.
- i) The following portions of the Kaskaskia River are designated as Slow, No Wake Areas:
- 1) All backwaters and/or side channels below Fayetteville, Illinois.
 - 2) All waters between the Illinois Route 3 Bridge and the Northern boundary of the public boat ramp in Evansville, Illinois.
 - 3) All waters between the ICG Railroad Bridge and the entrance to the public boat launching ramp known as "Baldwin Ramp."
 - 4) River Mile 24 to 25.
 - 5) 100 yards upstream and 100 yards downstream from the Kaskaskia River Lock and Dam.
 - 6) 100 yards upstream and 100 yards downstream from the New Athens boat launching ramp.
- j) The following portion of the Mississippi River is designated as a Slow, No Wake area:
- An area 6 1/2 miles north of Hamilton, Illinois.
- k) Those portions of Carlyle Lake, as posted, are designated No Entry, No Boats, No Fishing, or otherwise restricted areas.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers: Proposed Action:
250.330 Amendment
250.1510 Amendment
- 4) Statutory Authority: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments delete a provision for verbal medication and treatment orders to be used only in emergency situations. A requirement that telephone orders be countersigned within 24 hours is being modified to specify that the orders shall be countersigned as soon as practicable pursuant to a hospital policy approved by the medical staff. The proposed amendments also allow a medical record to include entries that are submitted by facsimile machine, provided that the faxed copies are maintained on non-thermal paper and are dated and authenticated in accordance with a hospital policy on authentication of medical records.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate on units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register by writing to:

Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@dph.state.il.us

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals that meet the definition of small businesses in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments do not contain any new reporting requirements.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate the need for this rulemaking.

The full text of the Proposed Amendments is identical to emergency amendments that are published on page _____ in this issue of the Illinois Register:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Procurement by the State Board of Education

2) Code Citation: 44 Ill. Adm. Code 1100

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
1100.5	New Section
1100.10	New Section
1100.15	New Section
1100.25	New Section
1100.525	New Section
1100.1005	New Section
1100.1510	New Section
1100.1560	New Section
1100.1570	New Section
1100.1580	New Section
1100.2005	New Section
1100.2010	New Section
1100.2012	New Section
1100.2015	New Section
1100.2020	New Section
1100.2025	New Section
1100.2030	New Section
1100.2035	New Section
1100.2036	New Section
1100.2037	New Section
1100.2038	New Section
1100.2040	New Section
1100.2043	New Section
1100.2044	New Section
1100.2046	New Section
1100.2047	New Section
1100.2050	New Section
1100.2055	New Section
1100.2060	New Section
1100.2560	New Section
1100.2570	New Section
1100.2800	New Section
1100.4005	New Section
1100.4505	New Section
1100.4510	New Section
1100.4530	New Section
1100.4535	New Section
1100.4540	New Section
1100.4545	New Section
1100.4570	New Section
1100.5013	New Section
1100.5015	New Section
1100.5020	New Section

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1100.5030 New Section
 1100.5035 New Section
 1100.5510 New Section
 1100.5520 New Section
 1100.5530 New Section
 1100.5540 New Section
 1100.5550 New Section
 1100.6010 New Section
 1100.6500 New Section
 1100.6510 New Section
 1100.6520 New Section
 1100.6530 New Section
 1100.7000 New Section
 1100.7010 New Section
 1100.7015 New Section
 1100.7020 New Section
 1100.7025 New Section
 1100.7030 New Section

4) Statutory Authority: 30 ILCS 500/1-30

5) Effective Date of Rules: March 3, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 19425; November 6, 1998.

10) Has JCARE issued a Statement of Objections to adopted rules? No

11) Difference(s) between proposed and final version:

- Changed the title, subtitle, and chapter to Title 44: "Government Contracts, Procurement and Property Management"; Subtitle B: "Supplemental Procurement Rules"; Chapter XIII: State Board of Education.
- Changed the Part number from "165" to "1100" in the Table of Contents, Section headings and cross-references throughout the rules.
- Changed Section 1100.05 to Section 1100.5 in the Table of Contents and Section heading.
- In Section 1100.10(f)(1), added after "districts" the following: "This provision applies to contracts between governmental entities; it does

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- not allow State agencies to utilize contracts established by other governmental entities."
- In Section 1100.1510(c)(1), changed "agency" to "administrative division of SBE."
 - In Section 1100.2005(a), changed the first line to read: "Late bids or proposals are those received after the time and date for receipt or those received at other than the specified location."
 - In Section 1100.2030(d)(3), added a comma after "items."
 - Changed Section 1100.2036(c)(2) to read: "Reasonably defined repetitive small needs that, over the course of a fiscal year, are likely to exceed the small purchase amount set forth in Section 20-20 of the Code and Section 1100.2020(a) of this Part may be procured using a competitive method of source selection."
 - In Section 1100.2570(a)(2), changed "Right" to "Rights."

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreements issued by JCARE? Yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any rules pending on this Part? No

15) Summary and Purpose of Rules: These rules set forth the procedures to be used by the State Board of Education for procuring supplies and services other than standard employment of personnel, necessary for carrying out the duties of the State Board of Education, in accordance with the requirements of the Illinois Procurement Code (30 ILCS 500).

16) Information and questions regarding these adopted rules shall be directed to:

Michael LaCopo
 Division Administrator
 Fiscal Services
 Illinois State Board of Education
 100 North First Street, C-359
 Springfield, Illinois 62777-0001
 217/782-0734

The full text of the Adopted Rules begins on the next page:

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 1100.2038 Mistakes
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 SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section
 1100.2043 Suppliers
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 Section
 1100.2047 Security Requirements
 SUBPART H: SPECIFICATIONS
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 SUBPART I: CONTRACT TYPE
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 SUBPART L: CONTRACT PRICING
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 TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS
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 SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
 CHAPTER XIII: STATE BOARD OF EDUCATION
 PART 1100
 PROCUREMENT BY THE STATE BOARD OF EDUCATION
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Section
 1100.5 Policy
 1100.10 Application
 1100.15 Definitions of Terms Used in this Part
 1100.25 Property Rights
 SUBPART B: PROCUREMENT RULES
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1100.4505 Procurement Preferences
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 1100.4535 Sheltered Workshops for Persons with Disabilities
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1100.5013 Conflicts of Interest
 1100.5015 Negotiations for Future Employment
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SUBPART Q: SUPPLY MANAGEMENT AND DISPOSITIONS

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SUBPART S: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

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1100.7000 Severability
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1100.7020 Records and Audits

1100.7025 Written Determinations

1100.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and authorized by Section 1-30(a) of that Code.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 7351, effective September 21, 1998, for a maximum of 150 days; emergency expired February 18, 1999; new Part adopted at 23 Ill. Reg. **3308**, effective **MAR 3 1999**.

SUBPART A: GENERAL

Section 1100.5 Policy

All procurements by the Illinois State Board of Education (SBE) shall be accomplished in the most economical, expeditious and commercially reasonable manner that is in accordance with statute, this Part and other applicable rules.

Section 1100.10 Application

- a) Articles 1, 15, 20, 25, 35, 40, 45, 50, and 53 of the Illinois Procurement Code [30 ILCS 500] (the Code) will be referenced herein as though applicable to the SBE, and all procurements of supplies or services conducted by the SBE shall be substantially in accordance with those provisions of the Code, except to the extent otherwise provided in this Part.
- b) For the purposes of the Code and this Part, any reference to Chief Procurement Officer (CPO) means the State Superintendent of Education or his or her designee. The State Superintendent may appoint one or more State Purchasing Officer(s) (SPO).
- c) The Code and this Part apply to those procurements for which the vendors were first solicited on or after July 1, 1998 [30 ILCS 500/1-10(a)].
- d) Procurements for which vendors were first solicited on or before June 30, 1998, shall be conducted pursuant to the legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such procurements shall not be impaired.
- e) A solicitation occurs on or before June 30, 1998, as follows:
 - 1) When advertising was required in the Official State Newspaper, the first advertisement must run no later than June 30, 1998.
 - 2) When advertising was not required:
 - A) if the procurement was advertised, even though advertising was not required, the first advertisement must have run no later than June 30, 1998;
 - B) if the procurement was by direct solicitation by mail, the

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"Brand Name or Equal Specification" - A specification that uses one or more manufacturers' names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

"Brand Name Specification" - A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Consulting Services" - Services provided by a business or person as an independent contractor to advise and assist in solving specific management or programmatic problems involving the organization, planning, direction, control, or operations of SBE. The service may or may not rise to the level of professional and artistic services as defined in the Code and Section 1100.2035(a) of this Part.

"Contract" - The term contract as used in the Code and this Part includes, but is not limited to, purchase, installment purchase, lease and rental contracts, and includes any agreement or lease that requires the payment of State funds by the SBE in exchange for supplies or services. A contract may be in written or oral form. The term contract does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission, bonds or contracts relating to bonds issued by or on behalf of a State agency when the contractor or vendor is neither selected nor paid by the State agency.

"Contractor" or "Vendor" - The terms contractor and vendor are used interchangeably for purposes of the Code and this Part.

"Day" - Calendar day. In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a State holiday, in which event the period shall run to the end of the next business day.

"Items" - Anything that may be procured under this Code.

"Invitation for Bids" or "IFB" - The process by which the purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids. [30 ILCS 500/1-15.45]

"Proposal" - The response to a Request for Proposals.

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solicitation must have been postmarked or placed in the control of a private carrier no later than June 30, 1998;
C) if the procurement was by direct solicitation by facsimile machine (fax), the fax must show a transmission date no later than June 30, 1998;

D) if the procurement was solicited in person or by telephone, the solicitation must have occurred no later than June 30, 1998.

3) In all circumstances, the solicitations must be for the procurement of particular needs.

F) The Code and this Part do not apply to:

- 1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code. (For the purposes of this subsection (f), "governmental bodies" includes the State universities and their governing boards, community colleges and their governing boards, and school districts. This provision applies to contracts between governmental entities; it does not allow State agencies to utilize contracts established by other governmental entities.)

2) Grants;

3) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;

4) collective bargaining contracts;

5) purchase of real estate; or

6) contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the SBE shall give his or her prior approval [30 ILCS 500/1-10(b)]. Anticipated litigation is that which the SBE may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, contracting for expert witnesses and for court reporter services.

Section 1100.15 Definitions of Terms Used in this Part

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined below, and each term listed in this Section shall have the meaning set forth below unless its use clearly requires a different meaning. Terms may be defined in particular in particular Sections for use in that Section.

"Bid" - The response to an Invitation for Bids.

"Bidder" - Any person who submits a bid.

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"Qualified Products List" - An approved list of supplies described by model or catalogue numbers that, prior to competitive solicitation, the SBE has determined will meet the applicable specification requirements.

"Procurement Officer" - The Chief Procurement Officer (CPO) or the appointed State Purchasing Officer(s) (SPO) who conducts the particular procurement, or a designee of either.

"Request for Proposals" or "RFP" - The process by which the purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. [30 ILCS 500/1-15.75]

"Responsive Bidder" - A person who has submitted a bid that conforms in all material respects to the Invitation for Bids. [30 ILCS 500/1-15.85]

"Responsible Offeror" - A person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"Service" - The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance and the financing thereof. [30 ILCS 500/1-15.90]

"Specification" - Any description of the physical, functional, or performance characteristics, or of the nature, of a supply or service. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply or service item for delivery. Unless the context requires otherwise, the terms "specification" and "purchase description" are used interchangeably throughout this Part.

"Specification for a Common or General Use Item" - A specification that has been developed and approved for repeated use in procurements.

"State Agency" - Includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Northern Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, Northeastern Illinois University, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois

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Pension Code or to the University of Illinois Foundation. "State Agency" does not include units of local government, school districts, community colleges under the Public Community College Act, and the Illinois Comprehensive Health Insurance Board. [30 ILCS 500/1-15.100]

"Supplies" - All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies. [30 ILCS 500/1-15.110]

"Unsolicited Offer" - Any offer other than one submitted in response to a solicitation.

Section 1100.25 Property Rights

Receipt of an Invitation for Bids or other procurement document, or submission of any response thereto, or other offer, confers no right to receive an award or contract, nor does it obligate the SBE in any manner.

SUBPART B: PROCUREMENT RULES

Section 1100.525 Applicability of Rules

The SBE may, without soliciting independent bids, proposals, or responses, procure supplies and services from Master Contracts or other centralized purchasing agreements established by the Department of Central Management Services (DCMS) from vendors selected by DCMS in accordance with a competitive selection process established by DCMS under the Code, including, but not limited to, contracts for supplies and services for the following: telecommunications, electronic data processing, software, photocopying, vehicles, printing, and paper and envelopes.

SUBPART C: PROCUREMENT AUTHORITY

Section 1100.1005 Exercise of Procurement Authority

The State Superintendent of Education or his or her designee shall serve as CPO for purposes of the Code and may conduct any or all procurements for the SBE. The CPO may appoint one or more employees under his or her direction and supervision to serve as SPOs and to conduct procurements on behalf of the CPO in accordance with conditions specified in the terms of the appointment.

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section 1100.1510 Illinois Procurement Bulletin

a) Notice of any procurement action, by or on behalf of the SBE, that would be required by the Code to be published in the Illinois Procurement Bulletin if the SBE were a "State Agency" shall be

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included in the appropriate volume of the Bulletin.

b) The Bulletin may be supplemented at the discretion of the SBE with publication elsewhere, including in the Official State Newspaper selected by DCMS.

c) The notice shall contain at least the following information:

- 1) the name of the procuring administrative division of SBE;
- 2) a brief purchase description;
- 3) a procurement reference number, if used;
- 4) the date the procurement is first offered;
- 5) the date, time, and location for making submissions;
- 6) the method of source selection;
- 7) the name of the Procurement Officer in charge; and
- 8) instructions on how to obtain detailed information.

d) Notice of each contract awarded that was the subject of a notice in subsection (c) of this Section shall be placed in the Bulletin. This notice shall contain at least the following information:

- 1) the information published in subsection (c) of this Section;
 - 2) the name of the vendor selected for award;
 - 3) the contract price;
 - 4) the number of unsuccessful responsive vendors; and
 - 5) other disclosures required to be published in the Bulletin.
- e) The following information regarding emergency procurements shall be published in the Bulletin within 14 days after commencement of performance under the emergency contract:
- 1) name of the procuring agency;
 - 2) name of the vendor selected for award;
 - 3) brief description of what the vendor will do or provide;
 - 4) total price (if only an estimate is known, it shall be published, but a subsequent notice repeating all required information shall be published when the final amount is known);
 - 5) reasons for using the emergency method of source selection; and
 - 6) name of the Procurement Officer in charge.
- f) The following information in regard to sole source procurements shall be published in the Bulletin at least 14 days prior to entering into the contract with the designated sole source vendor:
- 1) name of the procuring agency;
 - 2) name of the vendor;
 - 3) brief description of what the vendor will do or provide; and
 - 4) name of the Procurement Officer in charge.

Section 1100.1560 Supplemental Notice

Publication in the Bulletin may be supplemented by publication elsewhere at the discretion of the SBE. Examples include publication in:

- a) the Official State Newspaper selected by DCMS;
- b) a newspaper of general circulation;
- c) a newspaper of local circulation in the area pertinent to the procurement;

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- d) industry media; or
- e) the SBE's "Web" pages.

Section 1100.1570 Error in Notice

When a required publication contains an error, the error may be corrected by a single notice published in the Bulletin.

Section 1100.1580 Direct Solicitation

In addition to giving notice in the Bulletin, the SBE may directly contact prospective vendors by providing copies of Invitations for Bids, Requests for Proposals, or other procurement information. Direct solicitation may be oral or in writing, but care should be taken to ensure that all vendors solicited in this manner receive the same information as provided to others. No direct solicitation shall be made prior to the date any required notice first appears in the Bulletin.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION**Section 1100.2005 General Provisions**

- a) Late bids or proposals are those received after the time and date for receipt or those received at other than the specified location. A bid that is delivered to the wrong location but that is subsequently delivered to the correct location by the date and time specified shall be considered, but the SBE shall not be responsible for ensuring such subsequent delivery. Any withdrawal or modification of a bid or proposal shall be considered late if it is received after the time and date set for opening of bids or proposals. If it is received at other than the specified location, the submission is late.
 - 1) No late bid or proposal, late modification, or late withdrawal shall be considered unless the CPO determines that it would have been timely but for the action or inaction of State personnel directly serving the procurement activity (e.g., providing the wrong address).
 - 2) Records shall be made and, in accordance with the State Records Act [5 ILCS 160], kept for each late bid or proposal, late modification, or late withdrawal.
 - 3) Any other submission that has a time or date deadline shall be treated in the same manner as a late bid.
- b) Extension of Time
 - 1) The Procurement Officer may, prior to the date or time for submitting or modifying a bid or proposal, extend the date or time for the convenience of the SBE.
 - 2) After opening bids or proposals, the Procurement Officer may request bidders or offerors who submitted timely bids or proposals to extend the time during which the SBE may accept the

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bids or proposals, provided that, with regard to bids, no other change is permitted. This extension does not provide an opportunity for others to submit bids or proposals.

- c) The Invitation for Bids or Request for Proposals may state that electronic and fax submissions shall be considered if they are received at the designated office by the time and date set for receipt. Any required attachments shall be submitted as stated in the IFB or RFP.

1) Electronic submissions authorized by specific language in the IFB or RFP shall be opened in accordance with electronic security measures in effect at the SBE at the time of opening. Unless the electronic submission procedures provide for a secure receipt, the vendor assumes risk of premature disclosure due to submission in unsealed form.

2) Fax submissions authorized by specific language in the IFB or RFP shall be placed in a sealed container upon receipt and opened as other submissions. The vendor assumes risk of premature disclosure due to submission in unsealed form.

- d) The Invitation for Bids or the Request for Proposals may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid or proposal in response to the IFB or RFP. Bids and proposals submitted without complying with the notice of intent requirement may be rejected.

e) If only one bid or proposal is received, an award may be made to the single bidder or offeror if the Procurement Officer finds that the price submitted is fair and reasonable, and either that other prospective bidders had reasonable opportunity to respond or that there is not adequate time for resolicitation. Otherwise:

1) new bids or offers may be solicited, including under sole source (see Section 1100.2025 of this Part) or emergency (see Section 1100.2030 of this Part) procedures, or

2) The procurement may be canceled.

- f) Alternate bids or proposals may be accepted if:

1) permitted by the solicitation and in accordance with instructions in the solicitation; or

2) only one vendor responded, in which case the alternate submission may be evaluated and treated in accordance with sole source procurement procedures (see Section 1100.2025 of this Part); or

3) the low bidder, who has met all requirements of the solicitation, has provided a lower cost alternative that meets all of the material requirements of the specifications.

- g) Multiple bids or proposals may be accepted if:

1) permitted by the solicitation and submitted in accordance with instructions in the solicitation; or

2) only one vendor responded; then one or more of the submissions may be evaluated, provided that, in the case of bids, only the lowest cost bid meeting specifications may be considered.

- h) If a vendor clearly indicates a primary submission among alternate or

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multiple bids or proposals, then that primary submission shall be considered for award as though it were the only bid or proposal submitted by the vendor.

- i) An Invitation for Bids or Request for Proposals may call for pricing of multiple items of similar or related type with award based on individual line item, group total of certain items, or grand total of all items.

j) All or none bids or proposals may be accepted if the evaluation shows an all or none award to be the lowest cost or best value of those submitted.

k) Any bid or proposal that is conditioned upon receiving award of the particular contract being solicited and one or more other SBE contracts shall:

1) be rejected unless the vendor removes the condition; or

2) be evaluated and award made to that vendor if the vendor is also independently evaluated as the winner of the other contract(s), provided that the SBE not delay procurement actions to accommodate the vendor's all or none condition.

- l) The CPO may consider unsolicited offers.

1) An unsolicited offer shall be in writing and shall be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the SBE.

2) An award may not be made based on an unsolicited offer in place of the notice and competition requirements of the Code and this Part, except if that unsolicited offer meets the requirements for small, sole source or emergency procurement (see Section 1100.2020, Section 1100.2025 or Section 1100.2030 of this Part, respectively).

- m) The Procurement Officer may request that a vendor clarify its bid or proposal as a part of the evaluation process. A vendor shall not be allowed to materially change its bid or proposal in response to a request for clarification. A clarification is not an opportunity to make changes or for submission of best and finals as authorized elsewhere in this Part.

n) The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Procurement Officer determines in writing that it is not practical to award another contract at the time of such extension.

o) The quantity that may be ordered from a definite quantity contract without additional notice and competition may be increased by up to 20 percent, provided that the CPO determines that separate bidding for the additional quantity is not likely to achieve lower pricing. A particular procurement may specify a different percentage. The quantity may be increased by any percentage provided that the dollar value of the increase does not exceed the applicable small purchase threshold (see Section 1100.2020(a) of this Part).

- p) Assignment, Novation or Change of Name

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- 1) Assignment. No State contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after due notice to the SBE. Assignment may require the execution of a contract with the assignee and in such cases the assignee shall meet all requirements for contracting with the State.
 - 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee agree that:
 - A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;
 - C) the transferor waives all rights under the contract as against the SBE; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the SBE, furnish a satisfactory performance bond.
 - 3) Change of Name. A vendor may submit to the Procurement Officer a written request to change the name in which it holds a contract with the State. The name change shall not alter any of the terms and conditions of the contract or the obligations of the vendor.
 - q) Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate may not exceed that established by law, including the Bond Authorization Act [30 ILCS 305].
 - r) If the SBE uses a method of source selection that it is not, by law, required to use (e.g., use of a competitive sealed bid for a small purchase), it is not bound to strict compliance with the Code and rules governing the method of source selection used.
 - s) A bid or proposal submitted unsigned shall be evaluated if the vendor submits a written signature acceptable to the Procurement Officer within the time specified by that officer.
 - t) Stringing (dividing or planning procurements to avoid use of competitive procedures) is prohibited.
 - u) Vendors shall clearly identify any information that is exempt from the disclosure requirement of the Illinois Freedom of Information Act [5 ILCS 140] and must request special handling of that material.
- Section 1100.2010 Competitive Sealed Bidding**
- Competitive sealed bidding is the required method of source selection except as allowed by the Code and this part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- a) The Invitation for Bids is used to initiate a competitive sealed bid procurement and shall include, at a minimum, the following:
 - 1) instructions and information to bidders concerning the bid

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- submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, and the maximum time for bid acceptance by the SBE;
- 2) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;
 - 3) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable; and
 - 4) if other documents are incorporated by reference, the specific location of where such documents can be obtained.
- b) Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for receipt of bids. In each case, bidding time shall be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is authorized by the Code or this Part.
- c) The Invitation for Bids may include a form or format for submitting bids. If a form or format is specified, the vendor shall submit bids as instructed.
- 1) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.
 - 2) Unsolicited bid samples or descriptive literature is submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the State.
- d) Public Notice
- 1) Every procurement for supplies and services in excess of the small purchase amount set forth in Section 1100.2020(a) of this Part that shall be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin (see Section 1100.1510(a) of this Part).
 - 2) A copy of the Invitation for Bids shall be made available for public inspection.
 - 3) Invitations for Bids or Notices of the Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall, at a minimum, indicate where Invitations for Bids may be obtained, generally, describe what is needed, and indicate the due date for bids. Where appropriate, the Procurement Officer may require payment of a fee or a deposit for supplying the Invitation for Bids.
 - e) A bidders' conference may be conducted to enhance understanding of the procurement requirements. The bidders' conference shall be announced as a part of the Invitation for Bids' notice.
 - 1) The conference may be designated as "attendance mandatory" or "attendance optional."
 - 2) The date set for the conference should be long enough after the

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Invitation for Bids has been issued to allow bidders to become familiar with its provisions, but sufficiently before bid opening to allow consideration of the conference results in preparation of bids.

- 3) Nothing stated at the bidders' conference shall change the Invitation for Bids unless a change is made by written modification to the Invitation for Bids. Amendments shall be supplied to all those prospective bidders known to have received an Invitation for Bids. If the conference is mandatory, the amendment shall be supplied to attendees only.

- f) Amendments to Invitations for Bids shall be clearly identified and shall reference that portion of the IFB that is being amended.

- 1) Amendments shall be made available to all prospective bidders known to have received an Invitation for Bids.

- 2) Amendments shall be made available within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by fax or telephone and confirmed in the amendment.

- g) Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening.

- 1) If a bid is withdrawn in accordance with this subsection (g), the bid security, if any, shall be returned to the bidder.

- 2) All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

- h) Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

- 1) Bids and modifications shall be opened publicly at the time, date, and place designated in the Invitation for Bids. Opening shall be witnessed by a SBE employee and any other person present. The name of each bidder, the bid price, and such other information as is deemed appropriate shall be recorded and the name of each bidder read aloud or otherwise made available. The name of the witness shall also be recorded at the opening.

- 2) The winning bid shall be available for public inspection after award, along with the record of each unsuccessful bid.

- i) The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids, except as permitted in the Code and this Part. The Invitation for Bids shall set forth the requirements and criteria that shall be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.

- 1) Responsibility of prospective vendors shall be determined in

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accordance with Section 1100.2046 of this Part.

- 2) To be considered responsive, a bid must conform in all material respects to the Invitation for Bids.

- A) The Invitation for Bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:
 - i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
 - ii) examination of such elements as appearance, finish, taste, or feel;
 - iii) other examinations to determine whether it conforms with any other purchase description requirements.

- B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

- 3) Following determination of product or service acceptability as set forth in this subsection (i), bids shall be evaluated to determine which bidder offers the lowest cost to the SBE in accordance with the evaluation criteria set forth in the Invitation for Bids.
 - A) Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas.
 - B) Evaluation factors need not be precise predictors of actual future costs, but to the extent possible such evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall provide for the equitable treatment of all bids.
 - C) Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.
 - D) Price negotiations are permitted with the low bidder to obtain a lower price for the item bid.

- j) Following award, a record showing the successful bidder shall be made a part of the procurement file.

- k) The CPO may award the contract to other than the lowest responsible

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and responsive bidder upon a written determination that award to another bidder is in the State's best interest.

- 1) Award to other than the lowest responsible and responsive bidder may be appropriate when the difference in quality or speed of delivery is so great as compared to the difference in price, and considering the needs of the SBE, that a best value award is justified.
- 2) The Procurement Officer may not utilize this provision when the difference in price is significant.
- 3) When other than the low bidder is chosen, the Procurement Officer shall publish in the Bulletin the name of the bidder selected, pricing, and the reasons for selecting this bidder.
 - 1) The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. Notice of award shall be published in the Bulletin (see Section 1100.1510(d) of this Part).

Section 1100.2012 Multi-Step Sealed Bidding

Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the SBE, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their priced bids considered.

- a) The multi-step sealed bidding method may be used when it is not practical initially to prepare a definitive purchase description that will be suitable to permit an award based on price [30 IICS 500/20-10(h)]. Multi-step sealed bidding may be used when it is considered desirable to:
 - 1) invite and evaluate possible diverse technical offers to determine their acceptability to fulfill the purchase description requirements; and
 - 2) conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.
- b) Prior to the submission or evaluation of unpriced technical offers, a bidders' conference, as prescribed by Section 1100.2010(e) of this Part, may be conducted by the Procurement Officer.
- c) Procedure for Phase One of Multi-Step Sealed Bidding
 - 1) Multi-step sealed bidding shall be initiated by the issuance of an Invitation for Bids in the form required by Section 1100.2010(a) of this Part, except as hereinafter provided. In addition to the requirements set forth in Section 1100.2010(a) of this Part, the multi-step Invitation for Bids shall state:
 - A) that unpriced technical offers are requested;
 - B) whether priced bids are to be submitted at the same time as

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- unpriced technical offers; if they are, such priced bids shall be submitted in a separate sealed envelope;
 - C) that it is a multi-step sealed bid procurement, and priced bids shall be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;
 - D) the criteria to be used in the evaluation of the unpriced technical offers;
 - E) that the Procurement Officer may conduct oral or written discussions of the unpriced technical offers; and
 - F) that the item being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids.
- 2) After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers, and they shall be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the Procurement Officer, a contemplated amendment will significantly change the nature of the procurement, the Invitation for Bids may be canceled in accordance with Section 1100.2040 of this Part and a new Invitation for Bids issued.
 - 3) Unpriced technical offers submitted by bidders shall be opened in the presence of at least one witness. Such offers shall not be disclosed to unauthorized persons.
 - 4) The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:
 - A) acceptable;
 - B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
 - C) being made acceptable, in which case the Procurement Officer shall record in writing the basis for finding an offer unacceptable, notify the vendor, and make the finding part of the procurement file.
 - 5) The Procurement Officer may initiate phase two of the procedure if, in the Procurement Officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Procurement Officer finds discussion of the technical offers is necessary, the Procurement Officer shall commence discussions of the unpriced technical proposals.
 - 6) The Procurement Officer may conduct discussions with any vendor who submits an acceptable or potentially acceptable technical offer. During the course of such discussions, the Procurement Officer shall not disclose any information derived from one

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unpriced technical offer to any other bidder. Any such bidder may submit supplemental information amending its technical offer at any time until the closing date established by the Procurement Officer. Such submission may be made at the request of the Procurement Officer or upon the bidder's own initiative.

- 7) When the Procurement Officer determines a bidder's unpriced technical offer to be unacceptable, such offeror shall not be afforded an additional opportunity to supplement its technical offer.

d) Procedure for Phase Two

- 1) Upon the completion of phase one, the Procurement Officer shall either:

- A) open priced bids submitted in phase one (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or
- B) if priced bids have not been submitted, invite each acceptable bidder to submit a priced bid.

- 2) Phase two shall be conducted as any other competitive sealed bid procurement except:

- A) no public notice need be given of this invitation to submit priced bids because such notice was previously given;
- B) after award, the unpriced technical offer of the successful bidder shall be disclosed as follows: The Procurement Officer shall examine written requests of confidentiality for trade secrets and proprietary data in the technical offer of such bidder to determine the validity of any such requests. If the parties do not agree as to the disclosure of data, the Procurement Officer shall reject the offer. Such technical offer shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data; and
- C) unpriced technical offers of bidders who are not awarded the contract shall not be open to public inspection.

Section 1100.2015 Competitive Sealed Proposals

Competitive Sealed Proposals may be used whenever permitted by the Code and as described in this Part.

- a) The Competitive Sealed Proposal method of source selection may be used to procure the following categories (note that the following services, if they are professional and artistic, shall be procured pursuant to Section 1100.2015 of this Part):

- 1) electronic data processing equipment, software, and services;
- 2) telecommunications equipment, software, and services;
- 3) consulting services; and

- 4) employee benefits and management of those benefits.

- b) Competitive Sealed Proposals may be used on a case-by-case basis when 1) is determined by the Procurement Officer that competitive sealed

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bidding is either not practicable or not advantageous.

- 1) As used in Section 20-15 of the Code and in this Section, "practicable" denotes what may be accomplished or put into practical application, and "advantageous" connotes a judgmental assessment of what is in the State's best interest. Competitive sealed bidding may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the State's best interest. Before a procurement can be conducted by competitive sealed proposals, the Procurement Officer shall determine in writing that competitive sealed bidding is either not practicable or not advantageous to the SBE [30 ILCS 500/20-15(a)].

- 2) The key element in determining whether use of competitive sealed proposals is advantageous is the need for flexibility. The competitive sealed proposal method differs from competitive sealed bidding in two important ways:

- A) it permits discussions with competing offerors and changes in their proposals, including price; and
- B) it allows comparative judgmental evaluations to be made when selecting among acceptable proposals for award of the contract.

- 3) Use of competitive sealed proposals is the appropriate procurement method when evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise; when the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately; or when the need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration.

- 4) Competitive sealed bidding is not practicable unless the nature of the procurement permits award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the purchase description, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids. Factors to be considered in determining whether competitive sealed bidding is not practicable include:

- A) whether the contract needs to be other than a fixed-price type;
- B) whether oral or written discussions may need to be conducted with offerors concerning technical and price aspects of their proposals;
- C) whether offerors may need to be afforded the opportunity to revise their proposals, including price;
- D) whether award may need to be based upon a comparative evaluation, as stated in the Request for Proposals, of differing price, quality, and contractual factors in order to determine the most advantageous offering to the State. Quality factors include technical and performance capability and the content of the technical proposal; and

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E) whether the primary consideration in determining award may not be price.

5) A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding. Factors to be considered in determining whether competitive sealed bidding is not advantageous include:

A) if prior procurements indicate that competitive sealed proposals may result in more beneficial contracts for the State; and

B) whether the factors listed in subsection (b)(4) of this Section are desirable, in conducting a procurement, rather than necessary; if they are, then such factors may be used to support a determination that competitive sealed bidding is not advantageous.

c) The Request for Proposals shall be prepared in accordance with Section 1100.2010(a) of this Part, provided that it shall also include:

1) a statement that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award, but that proposals may be accepted without such discussions; and

2) a statement of when and how price should be submitted.

d) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals.

1) Opening shall be witnessed by a SBE employee and by any other person present. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.

2) Proposals and modifications shall be opened in a manner to avoid disclosing contents to competitors. Only SBE personnel and contractual agents may review the proposals prior to award.

e) The Request for Proposals shall state all of the evaluation factors, including price, and their relative importance.

1) The evaluation shall be based on the evaluation factors set forth in the Request for Proposals. Factors not specified in the Request for Proposals shall not be considered. Numerical rating systems may be used but are not required.

2) For the purpose of conducting discussions, proposals may be initially classified as:

A) acceptable;

B) potentially acceptable, that is, reasonably susceptible of being made acceptable; or

C) unacceptable. Offerors whose proposals are unacceptable shall be so notified promptly.

f) Proposal Discussions with Individual Offerors

1) For the purposes of Section 20-15(f) of the Code and of this

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Section, the term "offerors" includes only those businesses submitting proposals that are acceptable or potentially acceptable. The term shall not include businesses that submitted unacceptable proposals.

2) Discussions are held to:

A) promote understanding of the SBE's requirements and the offerors' proposals; and

B) facilitate arriving at a contract that will be most advantageous to the SBE, taking into consideration price and the other evaluation factors set forth in the Request for Proposals.

3) Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. If during discussions there is a need for any substantial clarification of, or change to, the Request for Proposals, the RFP shall be amended to incorporate such clarification or change. Auction techniques (revealing one offeror's price to another) and disclosure of any information from competing proposals are prohibited. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror.

4) The Procurement Officer may request best and final offers from those offerors whose proposals are deemed acceptable after completion of any discussions.

A) Best and final offers shall be submitted by a specified date and time.

B) The Procurement Officer may conduct additional discussions or change the SBE's requirements and require another submission of best and final offers. The scope of the best and final and the number of vendors allowed to participate shall be defined by the Procurement Officer.

C) If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

g) An award shall be made by the Procurement Officer pursuant to a written determination showing the basis on which the award was found to be most advantageous to the SBE, based on the factors set forth in the Request for Proposals.

h) The successful offeror shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. When the award exceeds the small purchase limit set forth in Section 1100.2020(a) of this Part, notice of award shall be published in the Bulletin (see Section 1100.1510(d) of this Part).

Section 1100.2020 Small Purchases

a) Application

1) Procurements of \$25,000 or less for supplies or services, other

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than professional and artistic, may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the CPO to be the most appropriate to the circumstances.
- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a 12-month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not-to-exceed limit applicable to the type of procurement (see subsection (a) of this Section).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount as set forth in subsection (a) of this Section, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the SBE's needs or other circumstances, the Procurement Officer shall follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract (see Section 1100.2025 or Section 1100.2030, respectively, of this Part).
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer may consider issuing a competitive sealed bid or proposal for procurement of those needs.

Section 1100.2025 Sole Economically Feasible Source Procurement

The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) unless the estimated amount of the procurement is within the small purchase limit set forth in Section 1100.2020(a) of this Part or unless emergency conditions exist as defined in Section 1100.2030 of this Part.

- a) Sole source procurement is permissible when a requirement is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole source procurement:
 - 1) where the compatibility of equipment, accessories, replacement parts, or service is a paramount consideration;

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- 2) where a sole supplier's items are needed for trial use or testing;
- 3) where the item, is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
- 4) the procurement of the media for advertising;
- 5) the procurement of art or entertainment services; and
- 6) changes to existing contracts (see subsection (b) of this Section).
- b) Changes to an existing contract that are germane and reasonable in scope and cost in relation to the original contract or program, that are necessary or desirable to complete the contract or program, and that can be best accomplished by the contract holder may be procured under this Section when the Procurement Officer determines that the cost of delay or disruption to the contract or program and the cost of a new solicitation clearly indicate that the existing vendor is the sole economically feasible source.
 - 1) A change (whether in cost or rate) that does not exceed the applicable small purchase limit as set forth in Section 1100.2020(a) of this Part, or that is an emergency as defined in Section 1100.2030 of this Part, may be made in accordance with procedures governing those Sections and need not comply with these sole source procedures.
 - 2) A change in length of the contract that does not exceed 30 days and other minor, immaterial changes to the scope or administrative provisions of a contract shall not be considered changes subject to these sole source procedures.
- c) The determination as to whether a procurement shall be made as a sole source shall be made by the Procurement Officer. Such determination and the basis therefore shall be in writing. Such officer may specify the application of such determination and the duration of its effectiveness.
- d) The Procurement Officer shall publish in the Bulletin notice of intent to contract with that vendor at least 14 days prior to execution of the contract (see Section 1100.1510(f) of this Part).
 - 1) If no challenge to this determination is made by a vendor within the 14-day period, the Procurement Officer may execute a contract with that vendor.
 - 2) If a challenge is received, the Procurement Officer shall consider the information and shall commence a competitive procurement if the Procurement Officer determines that more than one economically feasible source may be available and the sole source designation is therefore not appropriate, unless an emergency situation, as defined in Section 1100.2030 of this Part, exists.
- e) The Procurement Officer shall conduct negotiations, as appropriate, to reach contract terms, including price, and shall maintain a record of each sole source procurement showing:

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- 1) the vendor's name;
- 2) the amount and type of the contract;
- 3) what was procured; and
- 4) the identification number of the contract file.

Section 1100.2030 Emergency Procurements

The provisions of this Section apply to every procurement over the small purchase limit set forth in Section 1100.2020(a) of this Part that is made under emergency conditions, including quick purchases, and is not a sole source procurement under Section 1100.2025 of this Part.

a) Procurements may be made under this Section in the following circumstances. Traditional circumstances include but are not limited to:

- 1) public health or safety, including the health or safety of any particular person, is threatened;
- 2) immediate repairs are needed to SBE property to protect against further loss or damage to SBE property, or to prevent loss or damage to SBE property;
- 3) immediate action is needed to prevent or minimize serious disruption in SBE services;
- 4) action is needed to ensure the integrity of SBE records;
- 5) equipment or services are necessary in the furtherance of covert activities lawfully conducted by the SBE. Any required disclosures shall be made so as not to jeopardize those covert activities;
- 6) immediate action is necessary to avoid lapsing or loss of federal or donated funds; or
- 7) the need for items to protect or further SBE interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing serious disadvantage to the State.

b) An emergency procurement may be made in those instances when bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding.

c) Extending an existing contract for such period of time as needed to conduct a competitive method of source selection is permissible when terminating or allowing the contract to terminate would not be advantageous to the State.

d) Emergency procurements may be made in circumstances necessitating a quick purchase.

- 1) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a

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purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Code for the supplies or services;

- 2) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price;

- 3) Rare items, such as books of historical value are available; or
- 4) The procurement is for entertainment.

e) Emergency procurements shall be limited to the items, quantity and term necessary to meet the emergency need.

f) Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. The procedure used shall be selected to assure that the required items are procured in time to meet the emergency. Such competition as is practicable shall be obtained.

g) A Procurement Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor. Such determinations shall be kept in the contract file of the Procurement Officer.

- 1) An affidavit of each emergency procurement shall be filed with the Auditor General within 10 days after the procurement and shall include the following information [30 ILCS 500/20-30(c)]:
 - A) the vendor's name;
 - B) the amount and type of the contract, provided that if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known;
 - C) a description of what the vendor will do or provide; and
 - D) the reasons for using the emergency method of source selection.

- 2) Notice of the emergency procurement shall be published in the Bulletin, in accordance with Section 1100.1510(e) of this Part.

Section 1100.2035 Competitive Selection Procedures for Professional and Artistic Services

The provisions of this Section apply to every procurement of professional and artistic services except those subject to the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and except as provided in subsection (d) of this Section.

a) "Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability [30 ILCS 500/1-15.60]. Professional and artistic services are further defined as follows:

- 1) "Qualified by education" means the individual who would perform

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the services must have obtained the level of education specified in the Request for Proposals.

- 2) "Qualified by experience" means the individual who would perform the services must have the level of general experience specified in the Request for Proposals.

- 3) "Qualified by technical ability" means the individual who would perform the services must demonstrate a high degree of skill or ability in performing services that are the same, similar or closely related in nature to those specified in the Request for Proposals.

- 4) An essential element distinguishing professional and artistic services from other services is confidence, trust, and belief in not only the ability, but the talent, of the individual performing the service. These services are primarily for intellectual or creative skills. Contracts for services primarily involving manual skills or labor are not professional and artistic services contracts. (See Illinois Attorney General Opinion S-256, January 20, 1971.)

- 5) If the professional or artistic contract is with a firm or other business entity, the individuals whose education, experience and technical ability provided the basis on which the firm or other business entity was selected must meet the qualifications.

- 6) When the SBE requires services that meet the requirements of this subsection (a), the competitive selection procedures described in this Section shall be followed. Services that do not meet the requirements of this Section shall be procured in accordance with other methods of source selection authorized by the Code and this Part.

- b) The categories of services enumerated below shall be considered and procured as professional and artistic services. With regard to other services, the Procurement Officer may determine whether the factors identified in subsection (a) of this Section, when applied to particular services to be procured, require such services to be procured as professional and artistic under these competitive selection procedures, or as services that are subject to one of the other methods of source selection authorized by the Code and this Part. The following categories are examples of disciplines that would always be professional and artistic services:
 - 1) law;
 - 2) accounting;
 - 3) medicine;
 - 4) dentistry; and
 - 5) clinical psychology.

- c) Architect, engineering and land surveying services shall be procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. Such procurements are not subject to the procedures for other professional services established in the Code or this Part.

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- d) Except for sole source or emergency procurement authorized under Section 20-25 or Section 20-30 of the Code, respectively, these competitive selection procedures shall be used for all procurements of professional and artistic services of \$20,000 or more. Services of less than \$20,000 and for a nonrenewable term of one year or less, as determined by the CPO, may be procured in accordance with Section 1100.2020 of this Part.

- e) The Procurement Officer may use the list of prequalified professional and artistic vendors maintained by DCMS. Vendors may amend statements of qualifications at any time by filing a new statement. *Prequalification shall not be used to bar or prevent any qualified business or person from bidding or responding to invitations for bid or proposal [30 ILCS 500/35-15(d)].*

- f) Notice of the need for professional and artistic services shall be made by the Procurement Officer in the form of a Request for Proposals.

- 1) Notice shall be given as provided in Section 1100.2010(d) of this Part.

- 2) Notice shall also be distributed to persons interested in performing the services required by the proposed contract.

- g) The Request for Proposals shall be in the form specified by the Procurement Officer and contain at least the following information:

- 1) the type of services required;
- 2) a description of the work involved;
- 3) an estimate of when and for how long the services will be required;
- 4) the type of contract to be used;
- 5) a date by which proposals for the performance of the services shall be submitted;

- 6) a statement of the minimum information that the proposal shall contain, which may, by way of example, include:
 - A) the name of the offeror, the location of the offeror's principal place of business and, if different, the place of performance of the proposed contract;
 - B) if deemed relevant by the Procurement Officer, the age of the offeror's business and average number of employees over a previous period of time, as specified in the Request for Proposals;
 - C) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
 - D) a listing of other contracts under which services similar in scope, size, or discipline to the required services were performed or undertaken within a previous period of time, as specified in the Request for Proposals;
 - E) a plan, giving as much detail as is practical, explaining how the services will be performed;
 - F) price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package); and

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8) the factors to be used in the evaluation and selection process and their relative importance.

h) Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals. Price shall not be evaluated until all proposals have been ranked and the most qualified vendor identified. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:

- 1) the plan for performing the required services;
 - 2) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
 - 3) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and
 - 4) a record of past performance of similar work.
- i) A bidders' conference, if appropriate, shall be conducted in accordance with Section 1100.2010(e) of this Part. Such a conference may be held anytime prior to the date established for submission of proposals.
- j) Proposals shall be submitted to and opened by the Procurement Officer in accordance with instructions given.

1) Proposals and modifications shall be opened publicly at the time, date and place designated in the Request for Proposals.

A) Opening shall be witnessed by an SBE employee and by any other person present. A record shall be prepared that shall include the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.

B) Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only SBE personnel and contractual agents may review the proposals prior to award.

2) Proposals of offerors who are not awarded the contract shall not be open to public inspection.

k) Discussions

1) The Procurement Officer may conduct discussions with any offeror to:

- A) determine in greater detail such offeror's qualifications; and
- B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach. The Procurement Officer may allow changes to

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the proposal based on those discussions.

2) Discussions shall not disclose any information derived from proposals submitted by other offerors, and the SBE shall not disclose any information contained in any proposals until after award of the proposed contract has been made. The proposal of the offeror awarded the contract shall be open to public inspection except as otherwise provided in the contract.

1) After conclusion of validation of qualifications, evaluation, and discussion, the Procurement Officer shall rank the acceptable offerors in the order of their respective qualifications.

m) Pricing submitted for all timely submitted proposals shall be opened and ranked.

1) If the low price is submitted by the most qualified vendor, the Procurement Officer may award to that vendor.

2) If the price of the most qualified vendor is not low and if it does not exceed \$25,000, the CPO may award to that vendor.

3) If the price of the best qualified vendor exceeds \$25,000, the CPO shall state why a vendor other than the low-priced vendor was selected and that determination shall be published in the Bulletin (see 30 ILCS 500/35-30(f)).

n) The Procurement Officer shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. The Procurement Officer may, in the interest of efficiency, negotiate with other vendors, while negotiating with the best qualified vendor.

1) At a minimum, contract negotiations shall be directed toward:

- A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
- B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and
- C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity, and nature of such services.

2) If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled. Compensation shall be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by the Procurement Officer based on the circumstances of the particular procurement, including but not limited to:

- A) the nature of the services needed,
- B) qualifications of the offerors,
- C) consideration of the range of prices received in the course of the procurement, and
- D) the SBE's identified budget.

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- 3) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons therefor shall be placed in the file. The procurement officer shall advise such offeror of the termination of negotiations.

A) Upon failure to negotiate a contract with the best qualified offeror, the Procurement Officer may enter into negotiations with the next most qualified offeror.

B) Nothing in this Section shall prohibit the Procurement Officer from making a selection that represents the best value, qualifications, price and other relevant factors established in the Request for Proposals being considered. The Procurement Officer may, in considering best value, determine the proposal from a fully qualified vendor that submitted the lowest price to be the best value without further evaluation.

C) The Procurement officer may enter into negotiations with the most qualified vendor or vendors when the SBE has a need that requires multiple vendors under contract.

D) The Procurement Officer procuring professional and artistic services, including those under an exception described in subsection (d), shall provide the information necessary for publication in the Bulletin.

E) Written notice of award shall be public information and made a part of the contract file. Publication shall be in the next available issue of the Bulletin (see 30 ILCS 500/35-30(e)).

F) The SPO shall prepare a synopsis of the contract and shall rate the vendor's performance in a contract review document that shall be forwarded to the CPO. A copy of the completed document shall be maintained in the files of the SPO.

Section 1100.2036 Other Methods of Source Selection

a) A split award is an award of a definite quantity requirement that may be split between bidders or offerors. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required. A split award may be used only when award to more than one bidder or offeror for different amounts of the same item is necessary to obtain the total quantity or the required delivery.

b) A multiple award is an award of an indefinite quantity contract to more than one bidder or offeror when the SBE is obligated to order all of its actual requirements from those vendors.

1) A multiple award may be made when award to two or more bidders or offerors for similar products is necessary for adequate delivery, service, or product compatibility. Awards shall not be made for the purpose of simply dividing the business or to select products or suppliers to allow for user preference unrelated to utility or economy. Any such awards shall be limited to the least number of

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suppliers necessary to meet the valid requirements of the SBE. The SBE shall reserve the right to take bids separately if a particular quantity requirement arises that exceeds its normal requirement or an amount specified in the contract.

3) If a multiple award is anticipated, the solicitation shall state this fact as well as the criteria for award.

4) In a multiple award situation, one vendor may be designated as the primary recipient of orders. The other awardees may receive orders in the event the primary vendor is unable to deliver or for other reasons as determined by the Procurement Officer.

c) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement.

1) Orders may be placed against term and condition contracts without use of any prescribed method of source selection for convenience of processing sole source, emergency, or small procurements.

2) Reasonably defined repetitive small needs that, over the course of a fiscal year, are likely to exceed the small purchase amount set forth in Section 20-20 of the Code and Section 1100.2020(a) of this Part may be procured using a competitive method of source selection.

d) Requirements of the Code and this Part may be modified or adapted to meet federal requirements necessary to receive or maintain federal aid funds, grants or loans or to stay in compliance with federal requirements.

e) Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition are not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.

f) With the approval of the CPO, when the SBE receives a donation that provides the majority of the funding, the SBE may follow any procurement or contracting requirements established as a condition of the donation, but shall follow the Code and this Part to the extent practicable.

Section 1100.2037 Tie Bids and Proposals

Tie bids or proposals are those from responsive and responsible vendors that are identical in price or evaluation and represent the low price. Tie bids or proposals shall be treated as follows:

a) If the tied vendors include an Illinois resident vendor, the Illinois resident vendor shall be given the award. In all other situations, including if two or more Illinois resident bidders are tied, the decision shall be made in accordance with this Section. "Illinois resident vendor" has the meaning given in Section 1100.4510(a) of this Part.

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- b) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award shall be made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the SBE shall be given additional consideration in determining responsibility if the Procurement Officer determines that dealing with a vendor that has knowledge of SBE requirements, contracts, job sites, payment practices and such other factors and with which there has been favorable past experience increases the likelihood of successful performance.
- c) If there is no significant difference in responsibility, but there is a difference in the quality of the supplies or services offered, the vendor offering the best quality shall be accepted.
- d) If there is no significant difference in responsibility and no difference in quality of the supplies or services offered, the vendor offering the earliest delivery time shall be accepted in any case in which the solicitation specified that the needs of the SBE require delivery as early as possible.
- e) If the bids or proposals are equal in every respect, the award shall be made by lot unless the Procurement Officer determines that splitting the award among two or more of the tied bidders is in the best interest of the State. Awards may be split if all affected bidders agree, if splitting is feasible given the type of supplies or services requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.
- f) The SPO shall provide a report to the CPO on a quarterly basis of all procurements on which tie bids or proposals were received. The report shall provide the following information:
- 1) identification of the solicitation by date;
 - 2) a description of what was procured; and
 - 3) a listing of all the bidders and the prices submitted.

Section 1100.2038 Mistakes

Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other bidders.

- a) Before the time and date set for opening, a vendor may correct mistakes discovered by withdrawing or correcting as provided in this Section.
- b) When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than what the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as

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applicable, are met.

- c) Mistakes in bids discovered after opening but before award shall be addressed according to the following procedures.
- 1) A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid from the exact requirement of the Invitation for Bids, the correction or waiver of which would not be prejudicial to the SBE (i.e., the effect on price, quality, quantity, delivery, or contractual conditions is negligible). The Procurement Officer shall waive such informalities or allow the bidder to correct them depending on which is in the best interest of the SBE. Examples of minor informalities as to form include the failure of a bidder to:
 - A) return the number of signed bids required by the Invitation for Bids; or
 - B) acknowledge receipt of an amendment to the Invitation for Bids, but only if:
 - i) it is clear from the bid that the bidder received the amendment and intended to be bound by its terms; or
 - ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.
 - 2) If the mistake and the intended correct bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.
 - 3) With mistakes where the intended correct bid is not evident, a bidder may be permitted to withdraw a low bid if:
 - A) a mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - B) the bidder submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.
- d) Mistakes in proposals discovered after receipt, but before award shall be addressed according to the following procedures.
- 1) Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake prior to the date set for conclusion of discussions or for receipt of best and final offers.
 - 2) Minor informalities, unless otherwise corrected by an offeror as provided in this Section, shall be treated as they are under subsection (c) of this Section.
 - 3) If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:
 - A) the mistake and the intended correct offer are clearly evident on the face of the proposal, in which event the proposal may not be withdrawn; or

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- B) the mistake is not clearly evident on the face of the proposal, but the offeror submits adequate proof that clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and such correction would not be contrary to the fair and equal treatment of other offerors.
- 4) If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the proposal if:
- A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;
 - B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or
 - C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended correct offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.
- e) Mistakes shall not be corrected after award of the contract except where the Procurement Officer finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the SBE) not to allow the mistake to be corrected.
- f) When a proposal is corrected or withdrawn, or correction or withdrawal is denied, a written determination shall be prepared showing that relief was granted or denied in accordance with this Part. The Procurement Officer shall prepare the determination.

Section 1100.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

The provisions of this Section shall govern the cancellation of any solicitations whether issued by the State under competitive sealed bidding, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.

- Any solicitation may be canceled when the Procurement Officer believes cancellation to be in the State's best interest. Nothing shall compel the award of a contract.
- As used in this Section, "opening" means the date set for opening of bids, receipt of unpriced technical offers in multi-step sealed bidding, or receipt of proposals in competitive sealed proposals.
 - Prior to opening, a solicitation may be canceled in whole or in part when the Procurement Officer determines in writing that such action is in the State's best interest for reasons including, but not limited to:
 - A) the SBE no longer requires the supplies or services;
 - B) the SBE no longer can reasonably expect to fund the procurement; or
 - C) proposed amendments to the solicitation would be of such

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- magnitude that a new solicitation is desirable.
- 2) When a solicitation is canceled prior to opening, notice of cancellation shall be sent to solicited vendors. The notice of cancellation shall:
- A) identify the solicitation;
 - B) briefly explain the reason for cancellation; and
 - C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any procurements of similar supplies or services.
- c) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the Procurement Officer determines in writing that such action is in the State's best interest.
- Such reasons for rejection in whole or in part may include, but are not limited to:
 - A) the supplies or services being procured are no longer required;
 - B) ambiguous or otherwise inadequate specifications were part of the solicitation;
 - C) the solicitation did not provide for consideration of all factors of significance to the SBE;
 - D) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
 - E) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or
 - F) there is reason to question whether the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.
- 2) When the solicitation is canceled or when all bids or proposals are rejected, all vendors who submitted bids or proposals shall be sent a notice upon request informing them of the reasons for the cancellation or rejection.
- d) The reasons for cancellation or rejection shall be made a part of the procurement file and shall be available for public inspection.
- e) The following procedures apply to rejections of individual bids or proposals in whole or in part.
 - Each solicitation shall provide that any bid or proposal may be rejected in whole or in part when in the best interest of the State as provided in this subsection (e).
- 2) Reasons for rejecting a bid or proposal may include, but are not limited to:
- A) the business that submitted the bid or proposal is not responsible as determined under Section 1100.2046 of this Part;
 - B) the bid or proposal is not responsive (that is, it does not conform in all material respects to the solicitation);
 - C) the proposal ultimately (that is, after any opportunity has

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passed for altering or clarifying the proposal) fails to meet the announced requirements of the SBE in some material respect;

- D) the supply or service item offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids or Request for Proposals; or
- E) the proposed price is clearly unreasonable.

- 3) Upon request, unsuccessful bidders or offerors shall be advised of the reasons for rejection.

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section 1100.2043 Suppliers

The SBE may contract with any qualified source of supply, but should give preference to directed sources and should consider the following special sources.

- a) Directed sources of State-produced supplies or services are:
- 1) Correctional Industries. The CPO, after consulting with the Department of Corrections, shall determine which supplies produced or services performed, if any, by Correctional Industries shall be purchased by SBE. The CPO shall determine whether such supplies or services meet the SBE's requirements and whether the price represents a fair market value for such supplies and services.
 - 2) Central Services. Supplies and services available from the program operations of DCMS shall be utilized unless the CPO authorizes procurement from other sources.
 - b) Special sources of supplies or services include the following:
 - 1) Property available from the State and Federal Surplus Warehouses, which are under the jurisdiction of the DCMS, should be considered by SBE prior to any equipment procurement. The State Property Control Act [30 ILCS 605/7a] requires that surplus furniture be considered before any purchase of new furniture valued at \$500 or more per piece.
 - 2) Various supplies and services are available from qualified workshops for persons with disabilities and procurement from these workshops is encouraged. Notice and competition are not required. (See 30 ILCS 500/45-35.)
 - 3) Various supplies and services are available from other State agencies and other governmental units. These may be procured without notice and competition.

Section 1100.2044 Vendor Lists

The SBE may refer to vendor lists prepared and maintained by DCMS in

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accordance with Section 20-45 of the Code.

Section 1100.2046 Responsibility

Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the SBE's needs. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may be awarded a contract upon receipt of the bond or other security.

- a) Standards of Responsibility

- 1) Factors to be considered in determining whether the standard of responsibility has been met may include, but need not be limited to, whether a prospective vendor:

- A) has available the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to indicate its capability to meet all contractual requirements (the Procurement Officer may designate a level of financial resource below which the vendor shall be deemed "not responsible");
 - B) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;
 - C) has a satisfactory record of performance. Vendors who are or have been deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;
 - D) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that create a reasonable inference or appearance of a lack of integrity on the part of the vendor may be declared not responsible for the particular procurement;
 - E) is qualified legally to contract with the State;
 - F) has supplied all necessary information in connection with the inquiry concerning responsibility;
 - G) has a current Public Contracts' number from the Illinois Department of Human Rights, pursuant to 44 Ill. Adm. Code 750.210, if required. Proof of application prior to opening of bids or proposals shall be sufficient for an initial determination;
 - H) pays prevailing wages, if required by law; and
 - I) is current in payment of all State of Illinois taxes, including the unemployment insurance tax.
- 2) The prospective vendor shall supply information requested by the Procurement Officer concerning the responsibility of such vendor.

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The State may supplement this information from other sources and may require additional documentation at any time. If such vendor fails to supply the requested information, the Procurement Officer shall base the determination of responsibility upon any available information, or may find the prospective vendor not responsible.

- b) The prospective vendor may demonstrate the availability of necessary financing, equipment, facilities, expertise, and personnel by submitting upon request:
 - 1) evidence that such vendor possesses such necessary items;
 - 2) acceptable plans to subcontract for such necessary items; or
 - 3) a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.
- c) Before awarding a contract, the Procurement Officer shall be satisfied that the prospective vendor is responsible. Responsibility can be proven until the time of contract execution unless the solicitation or other law requires that the vendor submit information necessary to determine responsibility by a stated date or time.
- d) If a vendor who otherwise would have been awarded a contract is found not responsible, a written determination of irresponsibility setting forth the basis of the finding shall be prepared by the Procurement Officer. The final determination shall be made part of the procurement file.
- e) Vendors not having a history of performance may be considered responsible if no other disqualifying factors exist. A bond or other security may be required of such vendors.
- f) Vendors who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing vendor that has been determined not responsible shall also be determined not to be responsible unless the new organization can prove it was not set up for the purpose of avoiding an earlier determination of irresponsibility.

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section 1100.2047 Security Requirements

- a) The Procurement Officer may require that a vendor furnish bid, proposal, or performance security on contracts. Whenever security is required, except as provided herein, the procurement document shall clearly indicate the type and amount of security.
- b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit or bond. Any bond shall be issued by a surety company authorized to do business in the State of Illinois.
- c) Unless the amount is set by law, the Procurement Officer shall determine the amount, in dollars or percentage of contract price, that will adequately protect the State's interests. That amount will vary

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depending on the type of procurement and the risks and potential losses associated with delay or failure to complete the project, and for other such reasons.

- d) A vendor may be required to furnish up to 100 percent performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned, and for other similar reasons.
- e) Permissive/Mandatory Security
 - 1) Bid or proposal security is permissive on any contract but is not appropriate on emergency or sole source procurements.
 - 2) Performance security is permissive on any contract and is recommended on contracts calling for advance payment.
- f) A vendor may submit a single or continuous security each year that shall be applicable on all contracts of the SBE. When such security has been obligated in an amount equal to the sum of accumulated security requirements, additional security shall be submitted.
- g) Bid or proposal security shall be returned to unsuccessful vendors as soon after award as possible. The bid or proposal security of the successful vendor shall be returned after the contracts have been signed and performance security, if any, submitted. Performance security shall be returned upon full performance.

SUBPART H: SPECIFICATIONS

Section 1100.2050 Specifications

- a) The Procurement Officer may write specifications for procurements for the SBE or may use specifications or qualified products lists established by DCMS.
 - 1) If no such specification exists, the Procurement Officer is authorized to prepare specifications for use in such purchases. In an emergency under Section 20-30 of the Code and Section 1100.2030 of this Part, any necessary specification may be utilized without regard to the provisions of this Subpart.
 - 2) If a specification for general or common use or a qualified products list exists for an item to be procured under Section 20-20 of the Code and Section 1100.2020 of this Part, it shall be used except as otherwise authorized by the CPO.
 - 3) When a written determination is made by the CPO or the SPO authorized to prepare such specifications that there will be no substantial conflict of interest involved and it is otherwise in the best interest of the State, a contract to prepare specifications for SBE use in procurement of supplies or services may be entered into provided that the CPO or the SPO retains the authority to finally approve the specifications.
- b) All procurements shall be based on specifications that accurately reflect the SBE's needs. Specifications shall clearly and precisely

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describe the salient technical or performance requirements.

- 1) If a specification for common or general use item has been developed or a qualified products list has been developed in accordance with this Section for a particular supply or service, it shall be used unless the CPO authorizes use of another specification.
- 2) Specifications shall not include restrictions that do not significantly affect the technical requirements, performance requirements, or other legitimate SBE needs. All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.
- 3) Any specifications or standards adopted by a business, industry, not-for-profit organization or governmental unit may be adopted by reference.
- 4) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the SBE's requirements.

c) Brand Name or Equal Specification

- 1) Brand name or equal specifications may be used when a Procurement Officer determines in writing that:
 - A) no specification for a common or general use specification or qualified products list is available;
 - B) time does not permit the preparation of another form of specification, not including a brand name specification;
 - C) the nature of the product or the nature of the SBE's requirement makes use of a brand name or equal specification suitable for the procurement; or
 - D) use of a brand name or equal specification is in the State's best interest.
- 2) Brand name or equal specifications shall seek to designate more than one brand as "or equal," and shall further state that substantially equivalent products to those designated will be considered for award.
- 3) Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
- 4) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions shall not be rejected because of minor differences in design, construction or features that do not affect the

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suitability of the product for its intended use. Burden of proof that the product is equal is on the bidder.

- d) A brand-name-only specification may be used only when the Procurement Officer makes a written determination that only the identified brand name item or items will satisfy the SBE's needs.

- 1) Brand name alone may be specified in order to fill medical prescription needs, to stock State retail-type operations, to ensure compatibility in existing systems, to preserve warranty, or to ensure maintenance. The SBE may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time, and for that period the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.
- 2) The Procurement Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made pursuant to Section 1100.2025 of this Part.
- 3) Brand-name-only specifications may be used when procuring items under the small and emergency procurement provisions (see Section 1100.2020 and Section 1100.2030, respectively, of this Part).
- e) The supply or service may be rejected if it has not been offered to other governmental or commercial accounts for at least one year. Specifications may require that the supply or service have been used in business or industry for a specified period of time to be considered.

SUBPART I: CONTRACT TYPE

Section 1100.2055 Types of Contracts

This Section describes the types of contracts and the limitations as to when they should be utilized by the SBE in its procurements. Types of contracts not mentioned in this Section may also be utilized.

- a) The cost-plus-a-percentage-of-cost contract is prohibited by Section 20-55 of the Code. This type of contracting shall not be used alone or in conjunction with an authorized type of contract. A cost-plus-percentage-of-cost contract is one in which the vendor selects the supply or service on which the vendor's percentage is applied.
 - 1) A percentage mark-up from an agreed price list is not a cost-plus-a-percentage-of-cost contract.
 - 2) A percentage mark-up from the price of a supply or service selected by the SBE or another vendor under contract to the SBE is not a cost-plus-a-percentage-of-cost contract.
- b) Types of Fixed-Price Contracts

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- 1) A firm fixed-price contract provides a price that is not subject to adjustment because of variations in the vendor's cost of performing the work specified in the contract.
- 2) A fixed-price contract with price adjustment provides for variation in the contract price under special conditions defined in the contract, other than customary provisions authorizing price adjustments due to modifications to the work.
 - A) The formula or other basis by which the adjustment in the vendor's price can be made shall be specified in the solicitation and the resulting contract. Adjustment allowed may be upward or downward only, or both upward and downward. Examples of conditions under which adjustments may be provided in fixed-price contracts are:
 - i) changes in the vendor's labor agreement rates as applied to an industry or area (such as are frequently found in contracts for the purchase of coal);
 - ii) changes due to rapid and substantial price fluctuations that can be related to an accepted index (such as contracts for gasoline, heating oils, and dental gold alloy); and
 - iii) in requirement contracts, where a vendor is selected to provide all of the SBE's needs for the items specified in the contract, when a general price change applicable to all customers occurs, or when a general price change alters the base price (such as a change in a manufacturer's published price list or posted price to which a fixed discount is applied pursuant to the contract to determine the contract price).
 - B) If the contract permits unilateral action by the vendor to bring about the condition under which a price increase may occur, the SBE shall have the right to reject the price increase and terminate without cost the future performance of the contract.
- c) A cost-reimbursement type contract may be used only when the Procurement Officer determines in writing that such a contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the item required except under that type of contract [30 ILCS 500/20-55]. Reimbursement of travel expenses in accordance with applicable travel control board regulations is authorized without further determinations.
 - 1) A cost contract provides that the vendor shall be reimbursed for allowable costs incurred in performing the contract, but shall not receive a fee.
 - 2) A cost-plus-fixed-fee contract is a cost-reimbursement type contract that provides for payment to the vendor of an agreed fixed fee in addition to reimbursement of allowable incurred costs. The fee is established at the time of contract award and does not vary if the actual cost of contract performance is

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- greater or less than the initial estimated cost established for such work. Thus, the fee is fixed but not the contract amount because the final contract amount will depend on the allowable costs reimbursed. The fee is subject to adjustment only if the contract is modified to provide for an increase or decrease in the scope of work specified in the contract.
- 3) A cost-incentive type of contract provides for the reimbursement to the vendor of allowable costs incurred up to the ceiling amount and establishes a formula whereby the vendor is rewarded for performing at less than target cost (that is, the parties' agreed best estimate of the cost of performing the contract will vary inversely with the actual, allowable costs of performance and, consequently, is dependent on how effectively the vendor controls cost in the performance of the contract).
 - A) In a fixed-price cost-incentive contract, the parties establish at the outset a target cost, a target profit (that is, the profit that will be paid if the actual cost of performance equals the target cost), a formula that provides a percentage increase or decrease of the target profit depending on whether the actual cost of performance is less than or exceeds the target cost, and a ceiling price. After performance of the contract, the actual cost of performance is arrived at based on the total incurred allowable costs as provided in the contract. The final contract price is then established in accordance with the formula using the actual cost of performance. The final contract price shall not exceed the ceiling price. The vendor is obligated to complete performance of the contract, and, if actual costs exceed the ceiling price, the vendor suffers a loss.
 - B) In a cost-reimbursement contract with cost-incentive fee, the parties establish at the outset a target cost; a target fee; a formula for increase or decrease of the fee depending on whether the actual cost of performance is less than or exceeds the target cost, with maximum and minimum fee limitations; and a cost ceiling that represents the maximum amount that the SBE is obligated to reimburse the vendor. The vendor continues performance until the work is complete or costs reach the ceiling specified in the contract, including any modification thereof, whichever occurs first. After performance is complete or costs reach the ceiling, the total incurred, allowable costs reimbursed as provided in the contract are applied to the formula to establish the incentive fee payable to the vendor.
 - d) A performance incentive contract is one in which the parties establish at the outset a pricing basis for the contract, performance goals, and a formula that varies the profit or the fee if the specified performance goals are exceeded or not met. For example, early completion may entitle the vendor to a bonus, while late completion

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- e) may entitle the SBE to a price decrease.
- f) Time and materials contracts provide an agreed basis for payment for materials supplied and labor performed. Labor hour contracts provide only for the payment of labor performed. Such contracts shall, to the extent possible, contain a stated ceiling or an estimate that shall not be exceeded without prior SBE approval.
- g) A definite quantity contract is a fixed-price contract that provides for delivery of a specified quantity of supplies or services either at specified times or when ordered.
- h) An indefinite quantity contract is a contract for an indefinite amount of supplies or services to be furnished at specified times, or as ordered, that establishes unit prices of a fixed-price type. Generally, an approximate quantity or the best information available as to quantity is stated in the solicitation. The contract may provide a minimum quantity the SBE is obligated to order and may also provide for a maximum quantity provision that limits the SBE's obligation to order.
- i) A requirements contract is an indefinite quantity contract for supplies or services that specifically obligates the SBE to order all the actual requirements of the SBE during a specified period of time.
- j) A lease is a contract for the use of supplies or real property under which title will not pass to the State at any time, except pursuant to an option to purchase.
- k) Contracts may provide for payment to the vendor of a percentage of the amount the vendor recovers or collects on behalf of the SBE. The percentage may be fixed or may vary depending on amount of recovery or other factors, and the percentage may be paired with a fixed price or cost reimbursement method.
- l) Option Provisions
- 1) When a contract is to contain an option for renewal, extension, or purchase, notice of such provision shall be included in the solicitation. These options may be exercised without taking other procurement action when the option is established for exercise at the SBE's option.
 - 2) A purchase option in a lease may be exercised only if the lease containing the purchase option was awarded under competitive sealed bidding or competitive sealed proposals, the leased supply or facility is the only supply or facility that can meet the SBE's requirements, the purchase option price is less than the small purchase limit or emergency conditions exist.
- m) Notwithstanding any provision in any contract, supplies or services available from the State's own programs, such as Correctional Industries, may be ordered without violating any contract.
- n) Notwithstanding any provision in any contract, the SBE reserves the right to take bids separately if a particular quantity requirement arises that exceeds the SBE's normal needs or ordering requirements. The CPO may authorize an Invitation for Bids, Request for Proposals or sole source negotiation for an energy conservation measure whereby the

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State would make payment based on utility cost savings. Such a contract shall require a clearly defined baseline of energy usage and method of measuring cost savings, taking into account at least differing weather conditions, changes in facility, usage and cost of energy.

SUBPART J: DURATION OF CONTRACTS

Section 1100.2060 Duration of Contracts - General

- a) General
 - 1) A multi-term contract for a term up to 10 years is authorized when determined by the Procurement Officer to be in the best interest of the State (see 30 ILCS 500/20-60(a)).
 - 2) A software license may have a term longer than 10 years, including for a perpetual term, provided the payment term is limited to no more than 10 years.
- b) The contractual obligation of both parties in each fiscal period succeeding the first is subject to appropriation and availability of funds. The contract shall provide that, in the event that funds are not available for any succeeding fiscal period, the remainder of such contract shall be canceled without penalty to, or further payment being required by, the SBE (see 30 ILCS 500/20-60(b)). This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.
- c) A multi-term contract may be used when:
 - 1) special production of definite quantities or the furnishing of long-term services is required to meet SBE needs; or
 - 2) it will serve the best interests of the State by encouraging effective competition or otherwise promoting economies in SBE's procurement. The following factors are among those relevant to such a determination:
 - A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion will be encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance;
 - B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;
 - C) stabilization of the vendor's work force over a longer period of time may promote economy and consistent quality; or
 - D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.
- d) The multi-term contract solicitation shall state:

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- 1) the proposed term;
 - 2) the amount of supplies or services required for the proposed contract period;
 - 3) the type of pricing requested (e.g., firm for term);
 - 4) how award will be determined.
- e) When the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals shall not exceed 10 years, the terms and conditions do not change except as provided in the contract (such as price escalations tied to an index), and the option is reserved solely to the SBE or is by mutual agreement. A renewal option that requires modification to a material term or condition of the contract shall be treated as a new contract and shall be subject to competitive procurement procedures established by the Code and this Part.
- 1) When the original procurement was silent as to renewals, the renewal shall be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term not to exceed 10 years.
 - 2) Where a renewal will result in the total contract term, counting the initial term and any previous renewals, that exceeds 10 years, the renewal shall be procured using one of the methods of source selection authorized by the Code and this Part. This renewal shall start a new term that shall not exceed 10 years.

SUBPART K: CONTRACT MATTERS

Section 1100.2560 Prevailing Wage

- a) For the following classifications and if competition exists, no bidder shall be awarded a contract unless its employees are paid wages and benefits and are working under conditions prevalent in the location where the work is to be performed.
 - 1) Public works.
 - 2) Printing.
 - 3) All services, such as janitorial services, window washing and security guard services, having a monthly contract price of at least \$200 or more or a yearly price of \$2,000 or more (see 30 ILCS 500/25-60(a)).
- b) Prevailing wage and conditions prevalent means the hourly wage rate, overtime, holiday pay, pension, welfare, premium differential, vacation pay and other benefits received by employees and the environmental conditions under which they work.
- c) Prevailing wages, benefits and working conditions will be determined by the Director of the Illinois Department of Labor (see 30 ILCS 500/25-60(a)(1)).
 - 1) Prevailing wage rates, benefits and working conditions shall be those in effect on the first date of the contract, provided that,

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- if the rate changes during the contract term and the amount of change is known before execution of the contract, then the contract rate will vary in like amount.
- 2) If the change in the collective bargaining agreement cannot be determined in advance, the contract shall be changed by the amount of the change in wage rate and all components of price that are dependent on the usage rate, such as payroll taxes, worker's compensation insurance, vacation, sick days, and pension, provided that profit shall not increase due to prevailing wage increases. The SBE shall have the option to cancel the contract if the new price is unacceptable.
 - 3) If the initial prevailing wage, etc., cannot be determined prior to execution, contracts may be entered into and shall remain valid for the stated term.
 - d) If a collective bargaining agreement is in effect governing the type of printing, janitorial, window washing or security guard service sought, that agreement shall define minimum wages, benefits and conditions that shall be paid in order for a bidder to be considered responsible.
 - e) For public works, location means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work.
 - f) For printing contracts, location means one of the following areas:
 - 1) Cook County;
 - 2) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, and Woodford counties;
 - 3) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson counties.
 - 4) Where the printing is performed in a plant outside the jurisdiction of this State, it shall be deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where such printing is required to be delivered to more than one Illinois locality, such printing shall

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- be deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.
- g) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.

Section 1100.2570 Equal Employment Opportunity; Affirmative Action

- a) Every party to a public contract and every eligible bidder shall:
- 1) Refrain from unlawful discrimination and discrimination based on citizenship status in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;
 - 2) Comply with the procedures and requirements of the regulations of the Department of Human Rights (DHR) concerning equal employment opportunities and affirmative action;
 - 3) Provide such information, with respect to its employees and applicants for employment, and assistance as DHR may reasonably request;
 - 4) Have written sexual harassment policies that shall include, at a minimum, the following information:
 - A) the illegality of sexual harassment;
 - B) the definition of sexual harassment under State law;
 - C) a description of sexual harassment, utilizing examples;
 - D) the vendor's internal complaint process, including penalties;
 - E) the legal recourse, investigative and complaint process available through DHR and the Human Rights Commission;
 - F) directions on how to contact DHR and the Commission; and
 - G) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act (IHRA) [775 ILCS 5]. A copy of the policies shall be provided to the DHR upon request.
- b) Section 7-105A of the IHRA authorizes the DHR to promulgate policies and rules to implement the provisions of the IHRA applicable to eligible bidders and public contractors. DHR has promulgated rules that establish public contractor and eligible bidder duties, obligations, and reporting requirements (see 44 Ill. Adm. Code 750). Those rules require that certain employers register with DHR in order to be eligible for the award of certain public contracts (see 44 Ill. Adm. Code 750.Appendix A).

SUBPART L: CONTRACT PRICING

Section 1100.2800 All Costs Included

The Invitation for Bids or Request for Proposals and any resulting contract shall define whether prices cover transportation, transit insurance, delivery, installation, taxes, and any other costs.

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SUBPART M: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section 1100.4005 Real Property Leases and Capital Improvement Leases

The Procurement Officer may procure leases for real property or capital improvements in accordance with Article 40 of the Code, this Part, and 44 Ill. Adm. Code 5000.

SUBPART N: PREFERENCES

Section 1100.4505 Procurement Preferences

The procurement preferences identified in Article 45 of the Code shall be considered in developing procurement documents, conducting evaluations and drafting contracts. When any such preference is utilized, the Invitation for Bids, Request for Proposals, or other procurement request shall identify the preference and the conditions associated with such use. Subsequent Sections of this Subpart N identify conditions for the use of certain of the statutory preferences.

Section 1100.4510 Resident Bidder Preference

- a) "Illinois resident vendor" is a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced. A resident bidder includes a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced [30 ILCS 500/45-10(b)].
- b) In breaking a tie, an Illinois resident vendor shall be given the award.
- c) This Section does not apply to any contract for any project in which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

Section 1100.4530 Correctional Industries

- a) The Procurement Officer shall consult a listing maintained by DCMS of supplies or services available from the Department of Corrections.
- b) The SBE may procure from the Department of Corrections without seeking competition or giving public notice.

Section 1100.4535 Sheltered Workshops for Persons with Disabilities

- a) The Procurement Officer may determine to contract with a sheltered

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workshop on the list maintained by DCMS and may do so without notice or competition.

- b) The Procurement Officer shall refer to information prepared by DCMS regarding qualified sheltered workshops and categories of goods and services set aside to such sheltered workshops by DCMS. To the extent practicable, the SBE shall follow such set-asides.

- c) While notice and competition are not required prior to contracting with a sheltered workshop, prices shall be reasonable. Whether a price is reasonable shall be determined based upon current market prices, historical prices, prices received by other State agencies for similar supplies or services, the policy of the Code to promote procurements from sheltered workshops, and other such relevant factors.

Section 1100.4540 Gas Mileage

- a) Vehicle specifications shall require compliance with minimum gas mileage requirements established in Section 45-40 of the Code.
- b) Requests for exceptions shall be approved by the CPO. Requests shall describe the circumstances necessitating a vehicle that is not in compliance.
- c) No exception shall be granted unless it is clear from the request that a vehicle that is not in compliance is necessary in order to carry out the functions of the SBE.

Section 1100.4545 Small Business

- a) The Procurement Officer may determine categories of supplies or service procurements that will be set aside for small businesses located in Illinois. The set-aside designation may be made for current and future procurements of a specific supply, service or construction, or for a class of like supplies, services or construction. A set-aside designation may last indefinitely or for a stated period of time.
- b) The Procurement Officer may contact DCMS to determine whether a particular procurement has been set aside for small businesses and, if so, the SBE may honor the set-aside to the extent practicable.
- c) The Procurement Officer may use the list, maintained by DCMS or other appropriate State agency, of responsible vendors that meet the criteria of small business. A business that fits the definition of small on the day of bid or proposal opening shall be considered small for the duration of the contract.
- d) If the Procurement Officer wishes to make a procurement covered by a set-aside designation, the solicitation shall note responses are limited to those from responsible small businesses. Bids or proposals received from large businesses shall be rejected as not responsive.
- e) If the Procurement Officer determines that acceptance of the best bid or proposal will result in the payment of an unreasonable price, the

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Procurement Officer shall reject all bids or proposals and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification shall be published in the Bulletin with an explanation. After withdrawal of the small business set-aside, the procurement shall be conducted in accordance with the limitations of the Code and this Part.

- f) Unless the Procurement Officer provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:

- 1) that is independently owned and operated.
- 2) that is not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
- 3) has annual sales for the most recently ended fiscal year no greater than:
 - A) \$7,500,000 for wholesale business;
 - B) \$3,000,000 for construction business; or
 - C) \$1,500,000 for retail business.
- 4) has no more than 250 employees if it is a manufacturing business.
 - A) A manufacturing business shall calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis, for its most recently ended fiscal year.
 - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period through one month prior to the bid or proposal due date.
- 5) If the business is any combination of retailer, wholesaler, and construction business, then the annual sales for each component may not exceed the amounts shown in subsection (f)(3) of this Section. For example, a business that is both a retailer and a wholesaler may not have total sales exceeding \$9,000,000; the retail component may not exceed \$1,500,000 and the wholesale component may not exceed \$7,500,000. If the business is also a manufacturer, in addition to meeting the annual sales requirement, the number of manufacturing employees may not exceed the number shown in subsection (f)(4) of this Section.
- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates shall be included. Concerns are

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affiliates when either one directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both. In determining whether concerns are independently owned and operated and whether affiliation exists, consideration shall be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship shall not affect small business status if the franchisee has the right to profit commensurate with ownership and bears the risk of loss or failure.

- g) Vendors desiring to submit bids or proposals or to otherwise contract for items set aside for small businesses shall submit information verifying that the vendor qualifies as a small business as defined in subsection (f) of this Section. The CPO may establish procedures for verifying such information.

Section 1100.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

- a) The Business Enterprise Act for Minorities, Females, and Persons with Disabilities [30 ILCS 575] (Act) sets a goal (minimum 12 percent) for contracting with businesses owned or controlled by minorities, females, or persons with disabilities.
- b) Upon direction of the CPO, the SBE may establish set-asides and other such preferences for vendors certified under the Act.
- c) Certification procedures are set forth in rules governing the Business Enterprise Act (44 Ill. Adm. Code 10).
- d) The CPO may refer to the list of businesses that have been certified and maintained by DCMS.

SUBPART O: ETHICS

Section 1100.5013 Conflicts of Interest

- a) This Section does not apply to those elected to local offices of government, including school districts, nor does it apply to those elected to federal offices in this State. This Section does apply to those elected to an office of Illinois State government.
- b) An individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finder's fees and commission payments.
- c) Distributable income means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which is distributed to those entitled to receive a share of such income. In the case of a for-profit corporation, "distributable income" means dividends. When calculating entitlement to distributable income, the entitlement shall be determined at the end

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- d) of the company's most recent fiscal year.
- d) This Section does not apply to contracts with licensed professionals provided such contracts are competitively bid. For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E of this Part.

Section 1100.5015 Negotiations for Future Employment

- a) *It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State Government to participate in contract negotiations on behalf of that office or agency with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment [30 ILCS 500/50-15(a)].*
- b) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an independent contractor is in a "continued contractual relationship" from the effective date of the contract until such time as the contract is terminated.
- c) An individual who performs services pursuant to a contract and who meets the requirements of an "independent contractor" as opposed to an "employee" is in a "continued contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the State must act to terminate, or has a definite term of at least three months.

Section 1100.5020 Exemptions

If the Procurement Officer finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the Procurement Officer, if other than the CPO, shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. The CPO shall submit the files to the Board of Ethics for its determination and with the approval of the CPO, the Board of Ethics may exempt named individuals from the prohibitions of Section 50-13 of the Code when, in its judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section [30 ILCS 500/50-20].

Section 1100.5030 Revolving Door

- a) The CPO or SPO shall identify designees in writing and shall maintain the information for the period of at least two years following the end or revocation of the designation.
- b) Those designees whose job or descriptions are at least 51 percent directly related to State procurement are subject to this Section.

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Section 1100.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

- a) Distributable or distributive income means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings, which is distributed to those entitled to receive a share of such income.
- b) Personal services shall be any contract for services subject to the Code including, by way of example, professional and artistic services, repair services, and cleaning and guard services.
- c) "Competitively bid" means a contract let pursuant to Section 20-10 of the Code.
- d) The CPO may prescribe forms for the disclosure of potential conflicts of interest and financial interests of bidders or offerors required under Section 50-35 of the Code.

SUBPART P: COMPLAINTS, PROTESTS AND REMEDIES

Section 1100.5510 Complaints Against Vendors

The purpose of this Section is to document performance of vendors.

- a) Whenever a vendor fails to meet contract requirements, including but not limited to failure to deliver on time or meet specifications, the SBE shall take appropriate action to initiate a complaint to the vendor.
- b) For relatively minor infractions, the SBE may initiate contact by telephone or in person. If not resolved by this action, a written complaint shall be made.
- c) For other infractions, the SBE shall send a written complaint to the vendor detailing the problem. For complaints regarding DCMS contracts, a form available from the DCMS shall be used for processing complaints.
- d) A copy of all written complaints and the resolution or status shall be filed with the CPO and maintained by the SPO.

Section 1100.5520 Suspension

This Section applies to all debarments or suspensions of vendors from consideration for award of contract.

- a) The CPO may suspend a vendor from doing business with the SBE, or for specific types of supplies or services. A suspension may be issued upon a showing that the vendor violated the Code or this Part, or failed to conform to specifications or terms of delivery.
- b) When the CPO finds cause exists for suspension, a notice of suspension, including a copy of such determination, shall be sent to the suspended vendor. Bids or proposals shall not be solicited from the suspended vendor, and, if they are received, they shall not be considered during the period of suspension.

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- c) A contractor may be suspended for a period of time commensurate with the seriousness of the offense, but for no more than five years. The suspension shall be effective within seven days after receipt of the notice unless an objection is filed. If an objection is filed, the suspension shall not become effective until the evaluation of the objection is completed.
- d) The CPO may debar a vendor. Debarment is the permanent suspension of a vendor from doing business with the SBE. A debarment may only take place in those instances involving bribery or attempted bribery of a State of Illinois officer or employee, or as otherwise allowed or required by law. Bids or proposals shall not be solicited from the debarred vendor, and if they are received, they shall not be considered.
- e) The SBE shall maintain a master list of all suspensions and debarments. The master list shall retain information concerning suspensions and debarments as public records. Such records shall be maintained for a period of at least three years following the end of the suspension or debarment. Such public information may be considered in determining responsibility.

Section 1100.5530 Resolution of Contract Controversies

- a) The CPO shall have the authority to resolve controversies.
- b) The SBE has the authority to accept delivery of supplies or services in accordance with contract requirements as satisfactory adjustment of a complaint.
- c) A proposal must be referred to and approved by the CPO if the vendor proposes to make an adjustment by:
 - 1) substituting an alternative specification, or
 - 2) reducing the contract price by a certain amount to compensate for some failure to provide full performance under the contract.
- d) In any of the following cases, the CPO shall have the right to terminate or rescind any contract entered into under this Part:
 - 1) The successful bidder fails to furnish a satisfactory performance bond within the time specified.
 - 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered by the SBE.
 - 3) Any supplies or services provided under the contract are rejected (for not meeting specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced by the vendor. If there are repeated rejections of the vendor's supplies or services, this shall be grounds for termination or rescission, even though the vendor offers to replace the supplies or services promptly.
 - 4) The vendor is guilty of misrepresentation (for example, misbranding of food or drugs) in connection with another contract for the sale of supplies or services to the SBE such that the vendor cannot reasonably be depended upon to fulfill its

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obligations as a responsible vendor under any of its contracts with the SBE.

- 5) The vendor should be adjudged bankrupt; enter into receivership or make a general assignment for the benefit of creditors due to insolvency; disregard laws, rules, or instructions of the Procurement Officer; or act in violation of any provision of the contract; or if the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
- 6) Any other breach of contract or other unlawful act by the vendor.
- e) The SBE may cancel any contract it established if there is sufficient evidence to show that:
 - 1) the contract was obtained by fraud, collusion, conspiracy, or other unlawful means; or
 - 2) the contract conflicts with any statutory provision of the State of Illinois or of the United States.
- f) If a contract is terminated or rescinded under this Section, the SBE may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the SBE for any damages suffered by it because of the vendor's breach of contract or other unlawful act on the vendor's part on which the cancellation is based.
- g) The damages for which the SBE may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy shall include, but are not limited to, the following:
 - 1) the additional cost of supplies or services bought elsewhere,
 - 2) cost of repeating the procurement procedure,
 - 3) any expenses incurred because of delay in receipt of supplies or services, and
 - 4) any other damages caused by the vendor's breach of contract or unlawful act.

Section 1100.5540 Violation of Statute or Rule

- a) If the CPO determines that the solicitation or proposed award is in violation of statute or rule, the CPO may cancel the solicitation or proposed award, or make modifications to correct the violation, if such correction may be legally accomplished.
- b) Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the SBE unless statute or rule allows the SBE to modify, ratify or take other corrective action.
- c) In all cases in which a contract is voided, the SBE shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract.

Section 1100.5550 Protests

- a) An actual or prospective bidder, offeror, or vendor that may be

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aggrieved in connection with a procurement may file a protest on any phase of solicitation or award, including but not limited to specifications preparation, bid solicitation, or award.

- b) Claimants should seek resolution of their complaints initially with the office that issued the solicitation. Such complaints may be made verbally or in writing.
- c) Filing of Protest
 - 1) Protests shall be made in writing to the Procurement Officer, if applicable, and shall be filed within seven days after the protester knows or should have known of the facts giving rise to the protest. A protest is considered filed when physically received by the Procurement Officer. Protests filed after the seven-day period shall not be considered. In regard to a protest regarding specifications, the protest must be received within seven days after the date the solicitation was issued, and in any event must be received by the SBE at the designated address before the date for opening of bids or proposals.
 - 2) To expedite handling of protests, the envelope should be labeled "Protest." The written protest shall include as a minimum the following:
 - A) the name and address of the protester;
 - B) appropriate identification of the procurement and, if a contract has been awarded, its number;
 - C) a statement of reasons for the protest; and
 - D) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time, in which case the expected availability date shall be indicated.
- d) Any additional information requested by the SBE shall be submitted within the time periods established by the requesting source in order to expedite consideration of the protest. Failure of the protesting party to comply expeditiously with a request for information by the Procurement Officer may result in resolution of the protest without consideration of that information.
- e) When a protest has been timely filed and before an award has been made, the CPO shall make no award of the contract until the protest has been resolved. If timely received but after award, the award shall be revoked without penalty and no award made until the protest has been resolved. In either case, the CPO may make the award or reinstate the award upon a determination that the needs of the SBE require an immediate award and performance under the contract.
- f) A decision on a protest shall be made by the CPO as expeditiously as possible after receiving all relevant requested information. If a protest is sustained, the available remedies include, but are not limited to, reversal of award and cancellation or revision of the solicitation.
- g) If an action concerning the protest has commenced in court, the CPO shall not act on the protest, but shall refer the protest to the

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Attorney General. This Section shall not apply when a court requests, expects, or otherwise expresses interest in the decision of the CPO.

SUBPART Q: SUPPLY MANAGEMENT AND DISPOSITIONS

Section 1100.6010 Supply Management and Dispositions

- a) The SBE shall have general supervision of and accountability for tangible personal property and other supplies under its control subject to the requirements of the State Property Control Act [30 ILCS 605] and rules implementing that Act.
- b) The SBE shall order supplies on a schedule and in quantities so as to maintain no more than a 12-month supply in inventory. Supplies shall be ordered so as to maintain the minimum inventory commensurate with ability to meet agency needs. This 12-month inventory restriction does not apply to lifesaving medications, mechanical spare parts, or when a greater quantity is needed to meet minimum order quantities.
- c) The SBE shall periodically inventory all warehouses and similar storage areas under its jurisdiction.
- d) Insofar as feasible, practical and in accordance with other applicable law, the Procurement Officer shall transfer excess supplies to the Surplus Property Division of DCMS for disposition under the State Property Control Act [30 ILCS 605].

SUBPART R: GOVERNMENTAL JOINT PURCHASING

Section 1100.6500 General

In an effort to make the procurement process more efficient, the SBE and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to utilize each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act [30 ILCS 525]. Only the CPO may enter into contracts under the Act when the SBE is a party to the contract.

Section 1100.6510 No Agency Relationship

In any joint procurement situation, the other governmental unit shall issue its own purchase order, accept its own deliveries and make its own payments. The State of Illinois shall have no obligation to the vendor for payment of orders placed by other governmental units.

Section 1100.6520 Obligations of Participating Governmental Units

If governmental units determine to use contracts established by the SBE or by DCMS on behalf of the SBE, then they shall:

- a) provide to the CPO a copy of the ordinance or resolution passed by the governing body of the governmental unit giving authority to make

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purchases from contracts issued by the State of Illinois; make all purchases under the State contracts for public use only and specifically prohibit personal use or consumption by any individual, public employee or official;

- c) make payment to the vendor within 30 days after receipt of supplies or services;
- d) place orders with the supplier directly using their own purchase order forms. A copy of the purchase order shall also be sent to the CPO. This copy shall be used for statistical purposes and shall serve as notice that the governmental unit has complied with the bid action;
- e) inspect all items immediately for compliance with the contract specifications and report to the CPO any failure of suppliers to comply with the contract requirements; and
- f) attempt to resolve disputes with the vendor before involving the CPO.

Section 1100.6530 Use of Other Contracts

The SBE may utilize procurement contracts established by other authorized State agencies or units of government if:

- a) the contract was established by sealed bid or sealed proposal or is not required by the Code to be bid,
- b) the price is reasonable,
- c) an existing contract of the SBE would not be violated,
- d) it is allowed by the vendor,
- e) necessary State contract terms can be added, and
- f) State legal requirements are otherwise followed.

SUBPART S: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 1100.7000 Severability

If any provision of this Part or any application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without such invalid provision or application.

Section 1100.7010 Government Furnished Property

If the SBE provides any property to the vendor in furtherance of the contract, such property shall remain the property of the State but may be consumed by the vendor if necessary to complete the contract. The vendor shall issue a receipt for the property and shall be responsible for its safekeeping and for return of unused property to the State.

Section 1100.7015 Inspections

- a) The SBE may enter a vendor's or subcontractor's plant or place of business to:
 - 1) inspect supplies or services for acceptance by the State pursuant

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to the terms of a contract;

- 2) audit the books and records of any vendor or subcontractor pursuant to Section 1100.7020 of this Part;
 - 3) investigate an action to debar or suspend a person from consideration for award of contracts pursuant to the Code;
 - 4) determine whether the standards of responsibility have been met or are capable of being met;
 - 5) determine if the contract is being performed in accordance with its terms; and
 - 6) accomplish any other purpose permitted by law.
- b) Inspection and Testing of Supplies and Services
- 1) Contracts of the SBE may provide for the inspection of supplies and services at the vendor's or subcontractor's facility and the performance tests to determine whether the supplies or services conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. Such inspections and tests shall be conducted in accordance with the terms of the solicitation and contract.
 - 2) The Procurement Officer may establish operational procedures governing the testing and trial use of equipment, material, and other supplies by the SBE, and the application of resulting information and data to specifications of procurement.
- c) Inspections or tests shall be performed so as not to unduly delay the work of the vendor or subcontractor.
- 1) No inspector other than the Procurement Officer may change any provision of the specifications or the contract without written authorization of the Procurement Officer. The presence or absence of an inspector shall not relieve the vendor or subcontractor from any requirements of the contract.
 - 2) When an inspection is made in the plant or place of business of a vendor or subcontractor, such vendor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.
 - 3) Inspection or testing of supplies and services performed at the plant or place of business of any vendor or subcontractor shall be performed at reasonable times.
- d) On-site inspection of construction shall be performed in accordance with the terms of the contract.

Section 1100.7020 Records and Audits

- a) Books and records that relate to the performance of a contract, including a subcontract, and that support amounts charged to the SBE shall be maintained:
- 1) by a vendor for three years from the date of final payment under the prime contract;
 - 2) by a subcontractor for at least three years from the date of

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final payment under the subcontract;

- 3) by a vendor and a subcontractor for such longer period of time as is necessary to complete ongoing or announced audits.
- b) Contract Audit
- 1) The type of contract under which books and records should be audited is that in which price is based on costs or is subject to adjustment based on costs, or that in which auditing would be appropriate to assure satisfactory performance, such as a time and materials contract.
 - 2) Situations in which an audit may be warranted include but are not limited to when a question arises in connection with:
 - A) the financial condition, integrity, and reliability of the vendor or subcontractor;
 - B) any prior audit experience;
 - C) the adequacy of the vendor's or subcontractor's accounting system;
 - D) the number or nature of invoices or reimbursement vouchers submitted by the vendor or subcontractor for payment;
 - E) the use of federal assistance funds;
 - F) the fluctuation of market prices affecting the contract; or
 - G) any other situation in which the Procurement Officer finds that such an audit is necessary for the protection of the State's best interest.

Section 1100.7025 Written Determinations

- a) When the Code or this Part requires a written determination, the officer required to prepare the determination may delegate its preparation, but the responsibility for and the execution of the determination shall not be delegated.
- b) Each written determination shall set out sufficient facts, circumstances, and reasoning as will substantiate the specific determination that is made.
- c) While an officer is responsible for the execution of the written determination, other State personnel, particularly technical personnel and appropriate personnel in the SBE, are responsible for furnishing to the cognizant official, in an accurate and adequate fashion, the information pertinent to the determination. When requested, such information shall be furnished in writing to the cognizant official who shall have the authority to decide the final form and content of the determination and to resolve any questions or conflicts arising with respect to the determination.
- d) The CPO is authorized to prescribe methods and operational procedures to be used in preparing written determinations.
- e) Each written determination shall be filed in the solicitation or contract file to which it applies, shall be retained as part of such file for so long as the file is required to be maintained, and, except as otherwise provided by statute or rule, shall be open to public

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inspection.

Section 1100.7030 No Waiver of Sovereign Immunity

Nothing in this Part shall be deemed to be a waiver of sovereign immunity.

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1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

<u>Section Numbers:</u>	<u>Adopted Action:</u>
121.20	Amended
121.63	Amended
121.91	Amended
121.92	Amended
121.105	Repealed
121.145	New Section

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

5) Effective Date of Amendments: March 1, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

NOTE: COMBINING 3 RULES

December 11, 1998,	22 Ill. Reg. 21228 (Section 121.20)
November 20, 1998,	22 Ill. Reg. 19984 (Section 121.63-121.145)
November 13, 1998,	22 Ill. Reg. 19677 (Section 121.105)

10) Has JCAR Issued a Statement of Objections to these Amendments? No

11) Difference(s) between proposal and final version:

In Section 121.20, the USCA Cites were added after all INA references.

In Section 121.20(b)(2)(H), 244(g)(3) was replaced with 240A.

In Section 121.63(c), deleted "Quarterly Reporting (see 89 Ill. Adm. Code 112.302) and food stamp cases in which all members receive TANF cash assistance. These" and replaced it with "cases in which the person receiving the food stamp benefits also receives TANF cash assistance. Those households receive a reduced amount at the standard deduction as negotiated between the Food and Nutrition Service and the Department".

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In Section 121.63(f)(4), deleted (A).

In Section 121.63(f)(4)(c), replaced (f) with (g).

In Section 121.91(h), inserted "(except shelter costs which are budgeted prospectively)" after circumstances.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an Emergency amendment currently in effect? Yes. An amendment to Section 121.105.

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule(s): Section 121.20 - Pursuant to provisions of the Agricultural Research Extension and Education Reform Act of 1998 and USDA General Letter 98-24, these proposed amendments expand the groups of non-citizens who qualify for food stamps. As a result of these proposed amendments, a veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for food stamps if their INS status is:

1. Lawful permanent resident;
2. Refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
3. Asylee admitted under Section 208 of the INA;
4. Cuban or Haitian national admitted on or after 04/21/80;
5. Conditional entrant under Section 203(a)(7) of the INA;
6. Parolee status for at least a year under Section 212(d)(5) of the INA;
7. Deportation withheld under Section 243(h) or 241(b)(3) of the INA; or
8. Battered spouse or child, or parent or child of a battered person with a petition pending under 204(a)(1)(A) or (B) or 244(a)(3) of the INA. This status does not apply if the non-citizen lives with the abuser.

Non-citizens Who Qualify for a Limited Time

For 7 years after the status has been attained, the following non-citizens meet the citizenship requirement for food stamps:

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1. Refugees admitted under Section 207 of the INA;

2. Asylees admitted under Section 208 of the INA;

3. Persons for whom deportation has been withheld under Section 243(h) of the INA;

4. Cuban or Haitian national admitted on or after 04/21/80; and

5. Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 03/20/88.

Children, Disabled, or Elderly Non-citizens Who Were Lawfully Residing in the U.S. on 08/22/96

These proposed amendments establish that a person qualifies as a child if the person is under age 18. A person qualifies as elderly if the person was age 65 on 08/22/96.

A person qualifies as disabled/blind if the person meets one of the requirements listed in 89 Ill. Adm. Code 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

1. Lawful permanent resident;
2. Refugee admitted under Section 207 of the Immigration and Nationality Act (INA);
3. Persons for whom deportation has been withheld under Section 243(h) of the INA;
4. Cuban or Haitian national admitted on or after 04/21/80; and
5. Conditional entrant under Section 203(a)(7) of the INA;
6. Parolee status for at least a year under Section 212(d)(5) of the INA;
7. Deportation withheld under Section 243(h) or 241(b)(3) of the INA; or
8. Battered spouse or child, or parent or child of a battered person with a petition pending under 204(a)(1)(A) or (B) or 244(a)(3) of the INA. This status does not apply if the non-citizen lives with the abuser.

Hmong or Highland Laotian Tribe Members and the Member's Close Family Members

A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part

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in a military or rescue operation during the Vietnam era (between 8/5/65 and 5/1/75). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.

Certain American Indians born in Canada

An American Indian born in Canada to whom the provisions of Section 289 of the INA apply, and a member of an Indian tribe as defined in Section 4e of the Indian Self-Determination and Education Assistance Act.

Section 121.63, 121.91, 121.92, 121.145 - The Food and Nutrition Service has granted permission for the changes proposed in this rulemaking so that food stamp policy and State TANF policies are consistent in budgeting earned income on a quarterly basis. The changes proposed include a reduction in the standard deduction amount for TANF cash assistance food stamp households and use of a shelter standard for these households. These changes will result in a reduction of food stamp errors for TANF cash assistance food stamp cases.

Section 121.105 - Senate Bill 320 authorized the Department to provide nutrition services to non-citizens who are 65 years of age or older, under 18 years of age or disabled, and who were in the United States prior to August 22, 1996 and are not eligible for the Federal Food Stamp Program due to their non-citizen status. The State Food Program was created to provide assistance with the food needs of individuals ineligible for the Food Stamp Program solely due to citizenship requirements. To qualify, individuals had to be under age 18, or age 65 or older, or disabled. Individuals who qualified for the program and were elderly or disabled received \$43 in monthly food stamp benefits.

The State Food Program ended 10/31/98. These adopted amendments repeal the State Food Program effective 11/1/98.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

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Exempt Unearned Income
Education Benefits
Unearned Income In-Kind
Lump Sum Payments and Income Tax Refunds
Earned Income
Budgeting Earned Income
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 121.53 Income From Rental Property
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 121.55 Sponsors of Aliens
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121.60 Net Monthly Income Eligibility Standards
 121.61 Gross Monthly Income Eligibility Standards
 121.62 Income Which Must Be Annualized
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 121.71 Living Arrangement
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 121.74 Strikers
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 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -
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121.80 Fraud Disqualification (Renumbered)
 121.81 Initiation of Administrative Fraud Hearing (Repealed)
 121.82 Definition of Fraud (Renumbered)
 121.83 Notification To Applicant Households (Renumbered)
 121.84 Disqualification Upon Finding of Fraud (Renumbered)
 121.85 Court Imposed Disqualification (Renumbered)
 121.90 Monthly Reporting and Retrospective Budgeting
 121.91 Monthly Reporting
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 121.93 Issuance of Food Stamp Benefits
 121.94 Replacement of the EBT Card or Food Stamp Benefits
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 121.97 Supplemental Payments
 121.98 Client Training for the Electronic Benefits Transfer (EBT) System
 121.105 State Food Program (Repealed)

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121.120 Recertification of Eligibility
 121.130 Residents of Shelters for Battered Women and their Children
 121.131 Fleeing Felons and Probation/Parole Violators
 121.135 Incorporation By Reference
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic
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 121.152 Notification To Applicant Households
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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160 Persons Required to Participate
 121.162 Participation and Cooperation Requirements
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 121.203 Collecting Claim Against Households (Recodified)
 121.204 Failure to Respond to Initial Demand Letter (Recodified)
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 121.206 Determination of Monthly Allotment Reductions (Recodified)
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121.208 Suspension and Termination of Claims (Recodified)

SUBPART 1: WORK REQUIREMENT FOR FOOD STAMPS

Section

- 121.220 Work Requirement Components
- 121.221 Meeting the Work Requirement with the Earnfare Component
- 121.222 Volunteer Community Work Component
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- 121.224 Supportive Service Payments to Meet the Work Requirement
- 121.225 Meeting the Work Requirement with the Illinois Works Component
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November

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18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg.

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15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9374, effective

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SUPPORT B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.20 Citizenship

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To be eligible for assistance, an individual shall be either a U.S. citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status -- Persons born in the U.S. or in its possessions are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings or by certain persons born in a foreign country of U.S. citizen parent(s).
- b) Non-citizens -- The following categories of non-citizens may receive assistance, if otherwise eligible:
 - 1) Non-citizens Credited with 40 Quarters of Work
 - A) Aliens lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (INA) who have worked 40 qualifying quarters of coverage (as defined under Title II of the Social Security Act). Effective January 1, 1997, in order for a quarter of work to count, the client must not have received any benefits under a federal means-tested program during that quarter.
 - B) Quarters of a parent count for an alien while the alien is under age 18.
 - C) Quarters of a spouse count for an alien if the alien is still married to that spouse or the spouse is deceased.
 - B) ~~Aliens--in--this--category--who--enter--the--United--States--on--or--after--August--22--1996--shall--not--be--eligible--for--five--years--beginning--on--the--date--the--alien--entered--the--United--States--.~~ Veterans, Active U.S. Military Service Persons and Their Dependents. A veteran honorably discharged from U.S. military service or a person in active U.S. military duty and the spouse or dependent child or children of such a person meet the citizenship requirement for food stamps if their INS status is: ~~Non-citizens--meet--the--citizenship--requirement--for--food--stamps--if--they--are--~~
 - A) lawful permanent resident; ~~a--veteran--honorably--discharged--from--U.S.--military--service--or~~
 - B) refugee admitted under Section 207 of the Immigration and Nationality Act (INA) (8 USC 1157); ~~a--person--in--active--U.S.--military--duty--and--the--spouse--or--dependent--child--or--children--of--such--person;~~
 - C) asylee admitted under Section 208 of the INA (8 USC 1158);
 - D) Cuban or Haitian national admitted on or after 4/21/90;
 - E) conditional entrant under Section 203(a)(7) of the INA (8 USC 1153(a)(7));
 - F) parolee status for at least a year under Section 212(d)(5) of the INA (8 USC 1182(d)(5));
 - G) deportation withheld under Section 243(h) (8 USC 1253(h)) or 241(b)(3) (8 USC 1231(b)(3)) of the INA; or
 - H) battered spouse, or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) (8 USC 1154(a)(1)(A) or (B)) or 244(a)(3) (8 USC

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1641(c)) of the INA. This status does not apply if the non-citizen lives with the abuser.

- 3) Non-citizens Who Qualify for a Limited Time. For 7 5 years after the status has been attained, the following non-citizens meet the citizenship requirement for food stamps:

- A) refugees admitted under Section 207 of the INA;
- B) asylees admitted under Section 208 of the INA; and
- C) persons for whom deportation has been withheld under Section 243(h) (8 USCA 1253(h)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA;

- D) Cuban or Haitian national admitted on or after 4/21/80; or
- E) Amerasians from Vietnam and their close family members admitted through the Orderly Departure Program beginning on 3/20/88.

c) ~~Persons who are not within the categories set forth in subsections (a) and (b) of this Section but who were receiving food stamps on August 22, 1997, shall not be terminated based on citizenship until the next recertification after April 1, 1997.~~

- 4) Children, disabled, or elderly non-citizens who were lawfully residing in the U.S. on 8/22/96. A person qualifies as a child if the person is under age 18. A person qualifies as elderly if the person was age 65 on 8/22/96. A person qualifies as disabled/blind if the person meets one of the requirements listed in Section 121.61(a)(1)(B) through (L). The person must also have the following status with INS:

- A) lawful permanent resident;
- B) refugee admitted under Section 207 of the Immigration and Nationality Act (INA) (8 USCA 1157);
- C) asylee admitted under Section 208 of the INA;
- D) Cuban or Haitian national admitted on or after 4/21/80;
- E) conditional entrant under Section 203(a)(7) of the INA (8 USCA 1153(a)(7));

- F) parolee status for at least a year under Section 212(d)(5) of the INA (8 USCA 1182(d)(5));

- G) deportation withheld under Section 243(h) (8 USCA 1231(b)(3)) or 241(b)(3) (8 USCA 1231(b)(3)) of the INA; or
- H) battered spouse or child, or parent or child of a battered person with a petition pending under Section 204(a)(1)(A) or (B) (8 USCA 1154(a)(1)(A) or (B)) or 240(a) of the INA. This status does not apply if the non-citizen lives with the abuser.

- 5) Hmong or Highland Laotian tribe members and the member's close family members. A person lawfully residing in the U.S. that was a member of a Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era (between August 5, 1964 and May 7, 1975). This also includes the person's spouse, unmarried surviving spouse, if deceased, and unmarried dependent children.

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- 6) Certain American Indians born in Canada. An American Indian born in Canada to whom the provisions of Section 289 of the INA apply, and a member of an Indian tribe as defined in Section 4e of the Indian Self-Determination and Education Assistance Act.

(Source: Amended at 23 Ill. Reg. 3074, effective MAR 1 1990)

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions From Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) Standard Deduction. The standard deduction is \$134 \$134-00 per household per month except for cases in which the person receiving the food stamp benefits also receives TANF cash assistance. Those households receive a reduced amount of the standard deduction as negotiated between the Food and Nutrition Service and the Department.
- d) Dependent Care Deduction

- 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.

- 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other \$160-00--per-month for each dependent household member.

- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

- f) Shelter Costs Deduction

- 1) The shelter deduction is the amount of shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (b), (c), and (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$250 \$250-00.

- 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (1990) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

- 3) Households in which all members are homeless, but are not receiving free shelter throughout the month, are entitled to a \$143 \$143-00 per month homeless shelter costs deduction.

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Homeless households with shelter costs which exceed the homeless shelter costs deduction are allowed to claim the higher shelter costs, if these costs are verified. Homeless households which receive free housing and utilities throughout the month are not entitled to the homeless shelter costs deduction.

4) Shelter costs include only the following:

- A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
- 5) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
- A) the household intends to return to the home;
 - B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.

6) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Utility Costs

1) Utility costs include:

- A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees;
- B) basic service fee for one telephone (including tax on the basic fee) of \$27-\$27-00; and
- C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

3) Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance of \$209-\$209-00. Households living in rental housing who are billed on a regular basis by a landlord for costs for heating or air conditioning, or both, may use the standard utility allowance if utility usage is determined through a meter or otherwise is verifiable or if the charge for heating or air conditioning, or both, is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$27

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\$27-00 per month is allowed. The client may switch between the standard utility allowance and actual utility costs only at recertification.

- 4) However, during the heating or cooling season, a household that is billed less often than monthly for its costs for heating or air conditioning, or both, but is otherwise eligible to use the standard utility allowance, may continue to use the standard utility allowance between billing months.
- 5) Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined at 7 CFR 273.1(a) (1990)) live together, the standard utility allowance shall be divided equally among the households that contribute toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or air conditioning, or both, is covered by indirect energy assistance payments under the Illinois Home Energy Assistance Program (47 Ill. Adm. Code 100) shall be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) (1990)). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or air conditioning, or both, are covered by indirect energy assistance payments.
- 7) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$27-\$27-00 per month limitation for telephone expense.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1990) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 23 Ill. Reg. 3374, effective MAR 1 1999)

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section 121.91 Monthly Reporting

- a) Individuals who receive income from a sheltered workshop and individuals who receive public assistance benefits under the Aid to the Aged, Blind or Disabled program as either an Aged, Blind, or Disabled case are excluded from monthly reporting, unless another household member is required to report monthly, as defined in 7 CFR 273.21 and subsections (b)(1), (2) and (3) of this Section.

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- b) Excluding TANF cash assistance clients who report quarterly (see Section 121.145), the following food stamp households are required to report monthly:
- 1) all households having at least one member receiving earned income (see Section 121.40(b));
 - 2) households having at least one member receiving Unemployment Insurance Benefits (UI);
 - 3) households having at least one member who has lost employment within the last three months.
- c) Migrant households in the migrant job stream do not have to report monthly.
- d) The report shall include:
- 1) income and other circumstances relevant to the amount of the food stamp allotment; and
 - 2) changes in income, household composition and bank accounts affecting eligibility which the household expects to occur in the current month or future months or which occurred in the budget month.
- e) With monthly reporting, the household is required to provide verification of the following information each month:
- 1) gross earned income (for example, pay stubs); and
 - 2) income and assets of an alien's sponsor and the sponsor's spouse; and
- 2)3) questionable information (information information is considered questionable if information on the Monthly Report does not agree with statements of the recipient, other information on the Monthly Report or other information received by the local office).
- f) The household is required to provide verification of gross unearned income each month, if the information has changed since the last report.
- g) If the household does not provide the required verifications, the following actions are taken:
- 1) earned income - the Monthly Report is considered incomplete and food stamp benefits are suspended;
 - 2) all other required verifications:
 - A) benefits are decreased, if the unverified reported change results in a decrease; or
 - B) if benefits would increase as a result of the unverified reported change, then no action is taken.
- h) All food stamp households, which must report monthly, shall have benefits calculated by considering income and attendant circumstances (except shelter costs, which are budgeted prospectively) on a retrospective basis, except those participating in the APPE-income Budgeting Project (see Section 170-50); the budgeting method used to calculate the cash grant is used to calculate the household's food stamp benefit level.
- i) The Monthly Report must be received or postmarked by the seventh day

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of the next fiscal month or the first workday following the seventh day of the next fiscal month when the seventh is a Saturday, Sunday or holiday. If a household files a complete report after the scheduled due date but before the household has been terminated, the household shall be reinstated, if determined eligible. (See 89 Ill. Adm. Code 101.20 for a definition of "fiscal month".)

- j) At recertification, the household must complete a Request for Food Stamps. This Request for Food Stamps, along with the Monthly Report form, is the application for recertification.
- k) In lieu of a monthly report, General Assistance (GA) recipients in the City of Chicago, who are food stamp heads of households, must comply with a review of their food stamp eligibility which will occur in conjunction with any redetermination of General Assistance. (See 89 Ill. Adm. Code 114.420.) The review will cover those elements specified in subsection (d) of this Section. Verification of eligibility factors will be required as specified in subsection (e) of this Section. This review is in addition to regular recertification which will occur once every 12 months.

(Source: Amended at 23 Ill. Reg. 994, effective MAR 1 1993)

Section 121.92 Retrospective Budgeting

- a) At initial application, income and attendant circumstances shall be budgeted on a prospective basis before beginning retrospective budgeting. Shelter costs shall be prospectively budgeted at all times.
- b) All food stamp households, except migrant households who are in the migrant job stream, households where all adult members are elderly or disabled as defined at Section 121.61 and having no earned income or having only exempt earned income, households where all members are homeless and cases in quarterly reporting, shall have income and attendant circumstances, except shelter costs, budgeted on a retrospective basis. Shelter costs shall be prospectively budgeted. For households where the head of the household receives cash assistance from the Department, eligibility for food stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances, except shelter costs, retrospectively. Shelter costs shall be budgeted prospectively. For TANF and RRA households eligible on a prospective basis, the benefit amount is computed in the same manner as the cash payment beginning the second regular month of cash assistance.
- d) For households where the head of the household does not receive cash assistance from the Department, eligibility and the amount of benefits shall be determined retrospectively. Shelter costs shall be budgeted

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- prospective.
- a) All food stamp households, except migrant households who are in the migrant job stream, shall have income and attendant circumstances except shelter costs budgeted on a retrospective basis. Shelter costs shall be prospectively budgeted.
- b) For households where the head of household receives cash assistance from the Department:
- 1) Eligibility for food stamps is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the household is entitled to receive shall be determined by budgeting income and attendant circumstances except shelter costs retrospectively. Shelter costs shall be budgeted prospectively. For APBG or RRA households eligible on a prospective basis, the benefit amount is computed in the same manner as the cash payment beginning the second regular month of cash assistance.
 - 2) At initial application, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month except for households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of Social Security Administration (SSA), SSI, APBG or General Assistance.
- c) For households where the head of household does not receive cash assistance from the Department:
- 1) Eligibility and the amount of benefits shall be determined retrospectively at all times. However, at initial application, households which will suffer serious hardship shall have eligibility and the amount of benefits determined by budgeting income and attendant circumstances prospectively for two months before beginning retrospective budgeting. Households which will suffer serious hardship are:
 - A) Households which have gained or expect to gain a new household member in the month of application;
 - B) Households entitled to expedited service determined prospectively for the month of application;
 - C) Households applying for cash assistance from the Department at the same time they are applying for food stamps;
 - D) Households who have lost their source of income prior to applying for food stamps or whose source of income has been significantly reduced prior to applying for food stamps. Income has been significantly reduced if the reduced income (minus 10% of earned income for work expenses) is less than the applicable APBG payment level for that family size.
 - 2) Households whose earnings have been reduced due to a strike, voluntary quit, voluntary reduction in wages or who have less income from an assistance program because of an overpayment of

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- Social Security Administration (SSA) or SSI benefits are not entitled to consideration as a serious hardship household.
- e) If a household becomes ineligible for food stamps due to a periodic increase in recurring income (for example, a wage earner is paid every Friday and there are five rather than four paydays in a budget month) the household shall be suspended for a month rather than terminated.
- f) The budget month is the fiscal month from which the Department uses actual income and attendant circumstances, except shelter costs which are budgeted prospectively, to determine the amount of benefits the household is entitled to receive. The payment month is the fiscal month which the food stamp benefits cover. The payment month is the second fiscal month following the budget month for cases subject to retrospective budgeting.
- g) The budget month and payment month for each food stamp case are determined by the schedule the household is in, which schedule also governs the approximate availability dating date of the food stamp benefits:

SCHEDULE NUMBER	BUDGET MONTH AND PAYMENT MONTH DATES	
	1st through last Day of Calendar Month	1st through last Day of Calendar Month
00	1st through last Day of Calendar Month	1st through last Day of Calendar Month
01	1st through last Day of Calendar Month	1st through last Day of Calendar Month
02	1st through last Day of Calendar Month	1st through last Day of Calendar Month
03	1st through last Day of Calendar Month	1st through last Day of Calendar Month
04	7th through 6th Day of Calendar Month	10th through 9th Day of Calendar Month
05	10th through 9th Day of Calendar Month	14th through 13th Day of Calendar Month
06	14th through 13th Day of Calendar Month	17th through 16th Day of Calendar Month
07	17th through 16th Day of Calendar Month	20th through 19th Day of Calendar Month
08	20th through 19th Day of Calendar Month	22nd through 21st Day of Calendar Month
09	22nd through 21st Day of Calendar Month	

- h) The above table applies to all food stamp households whether or not they report monthly, and food stamp benefits are available mailed at or near the beginning of the payment month.

(Source: Amended at 23 Ill. Reg. 307.4, effective MAR 1 1989)

Section 121.105 State Food Program (Repealed)

Effective January 1, 1998, through June 30, 1999, individuals who are ineligible for the Food Stamp Program solely on the basis that they do not meet citizenship requirements contained in Section 121.20 may qualify for the State Food Program.

a) Individuals must meet the citizenship requirements to qualify for a cash assistance program of the Department of Human Services, must have entered the US prior to 8/23/96, and must be either under age 18 or age 65 or older, or disabled (including blind). Disabled individuals

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must--receive--Supplemental--Security--Income--or--must--apply--for Supplemental--Security--Income--and--be--found--disabled--by--the--Department of--Human--Services--to--be--considered--disabled--individuals--meet--the--financial--eligibility--requirements--of--the--program in--the--following--ways:

- b) Individuals automatically qualify if they receive cash assistance from the Department of Human Services, Supplemental Security Income, or are excluded members of an active food stamp household;
- 2) Individuals may qualify if they meet the gross income and asset standards:
- A) The gross income standard is \$514 per month;
- B) The asset limit is \$27,000:

1) One motor vehicle is exempt regardless of value if it is necessary for employment, or needed for transportation for medical treatment of a specific or regular medical problem, or modified for operation by or transportation of a handicapped person, or needed to provide transportation for essential daily activities because of climate, terrain, remoteness, or similar factors;

2) If the individual's vehicle is not exempt due to one of the above factors, then one vehicle, with a current fair market value of no more than \$4,500, will be exempt. Any excess fair market value above \$4,500 shall be applied to the asset limit.

c) If the individual is elderly, disabled or blind, the monthly benefit amount is \$43 per person;

d) If the individual is under age 18, the monthly benefit amount is \$60 per person;

(Source: Repealed at 23 Ill. Reg. 3074, effective MAR 1 1996)

Section 121.145 Quarterly Reporting

a) On a quarterly basis, all TANF cash assistance units which contain a member who is employed or who has lost employment within the last three months must submit a completed written report form to the Department. The food stamp household's income, assets, family composition and other factors pertinent to eligibility for the budget month, and any changes in these factors which the unit expects to occur in the current month or in future months, shall be reported.

b) Food stamp households which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.

c) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income

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averaging will be used to determine the amount of income to budget for a three-month period.

d) Clients who experience a decrease in income below the amount anticipated may be eligible for supplemental food stamp benefits. A written request for supplemental TANF cash benefits is also considered a request for supplemental food stamp benefits. Eligibility for supplemental food stamp benefits may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the TANF payment level for an assistance unit of comparable size. If these conditions are met, the amount of food stamp benefits that the client is eligible to receive for the payment month is determined using the amount of income anticipated for the payment month. The amount of the supplemental food stamp benefit is the difference.

e) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

f) The Department will determine if eligibility continues and process any adjustments to the food stamp benefit level once the completed quarterly report is received. The Department will notify the household of any changes in the benefit level and the reason or reasons for the change. The notification will be mailed to arrive no later than the day the food stamp benefits would be available, if the food stamp benefit level is being reduced or terminated as a result of information contained in the report.

g) Food stamp benefits may be terminated if the Department does not receive the quarterly report or receives only an incomplete report. The Department must send the household a notice of the action to arrive not later than the date the benefits would have been available if the Department had received a completed report on time. The Department will promptly notify the client of the right to a fair hearing and the right to have benefits reinstated if the household is found ineligible or eligible for an amount less than that of the prior month. Benefits will be reinstated to the level of the prior month, if a hearing is requested on or before the date of change or within 10 calendar days after the date of notice, whichever is later.

h) Eligibility for the entire three-month period will be determined, if a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility.

i) Eligibility for the month of receipt and the third month, if applicable, will be determined, if a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility. Eligibility for food stamp benefits for the first payment month of the three-month period shall not exist.

j) Persons who are required to file quarterly reports will be notified of

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their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

(Source: Added at 23 Ill. Reg. ~~3374~~ 3374, effective ~~3/1/90~~ 3/1/90)

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- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)

- 2) Code Citation: 17 Ill. Adm. Code 1515

- | <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 1515.10 | New Section |
| 1515.20 | New Section |
| 1515.30 | New Section |
| 1515.40 | New Section |
| 1515.50 | New Section |
| 1515.60 | New Section |
| EXHIBIT A | New Section |

- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805].

- 5) Effective Date of Rules: March 8, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: October 9, 1998, 22 Ill. Reg. 17436

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

AUTHORITY: changed "The Intergovernmental" to "the Intergovernmental"

SOURCE: Changed to read "Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired February 19, 1999; amended at 23 Ill. Reg. _____, effective _____."

1515.20 - changed "1515.40 a)" to read "1515.40(a)"

1515.20(a) - put space between "map" and "(EXHIBIT A)"

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- 1515.20(a)(2) - removed dash after "100" and changed "a)" to "subsection (a)"
- 1515.20(b)(1) - removed "which"
- 1515.20(b)(2) - Filter Strip - put closing parenthesis after "21"; capitalized "Section"; put space between "CP" and "21"; deleted closing parenthesis at end of paragraph
- 1515.20(b)(2) - Riparian Buffer - put closing parenthesis after "22"; put comma after "Guide" and deleted closing parenthesis at end of paragraph
- 1515.20(b)(2) - Wetland Restoration - put closing parenthesis after "23"; capitalized "will"; removed closing parenthesis at end of paragraph
- 1515.30(b) - changed "County" to "county"
- 1515.30(c) - changed "which" to "that"; added "-first served" following "come"; and added a comma following "Obligated"
- 1515.30(d) - changed "County" to "county" in two places; deleted "/NRCS"
- 1515.40(a) - capitalized "state"
- 1515.40(b) - deleted "/NRCS"; capitalized "County Courthouse"
- 1515.40(c) - changed parentheses around "765 ILCS 120" to brackets; changed comma following "land" to "and"; added comma following "natural areas"; added "the" prior to "enrollment"
- 1515.50(a)(1)(B) - capitalized "state"
- 1515.50(a)(2) - added a comma following "15 years"
- 1515.50(a)(3) - put a space between "easement" and "(CRP"
- 1515.50(b)(1) - removed the comma following "voluntary"; changed "&" to "percent"
- 1515.50(b)(2) - changed "&" to "percent"
- 1515.50(b)(3) - changed "Weighted" to "weighted"; deleted the comma following "Er"; and capitalized "State"
- 1515.50(c)(2) - changed "NRCS" to "SWCD"

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- 1515.60 - deleted parentheses around "practice(s)"; placed "County" in lower-case letters; changed "&" to "percent"; changed "Soil and Water Conservation District" to "SWCD".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No, the emergency rulemaking has expired.
- 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Adopted Action | Illinois Register Citation |
|-----------------|----------------|-----------------------------|
| 1515.10 | New Section | 22 Ill. Reg. 17436, 10/9/98 |
| 1515.20 | New Section | 22 Ill. Reg. 17436, 10/9/98 |
| 1515.30 | New Section | 22 Ill. Reg. 17436, 10/9/98 |
| 1515.40 | New Section | 22 Ill. Reg. 17436, 10/9/98 |
| 1515.50 | New Section | 22 Ill. Reg. 17436, 10/9/98 |
| 1515.60 | New Section | 22 Ill. Reg. 17436, 10/9/98 |
| EXHIBIT A | New Section | 22 Ill. Reg. 17436, 10/9/98 |
- 15) Summary and Purpose of Rulemaking: The Conservation Reserve Enhancement Program is a State and Federal incentive program to retire 232,000 acres of environmentally sensitive ground in the Illinois River Watershed. The main purpose of the program is to reduce sedimentation and siltation in the Illinois River. The State incentives include cost-share reimbursement for approved conservation practices and payments for conservation easements and federal contract extensions.

- 16) Information and questions regarding these adopted rules shall be directed to:

Jack Price
 Department of Natural Resources
 524 S. Second Street, Room 430
 Springfield IL 62701-1787
 217/782-1809

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRY

PART 1515

CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

1515.10 General Provisions

1515.20 Eligibility Requirements

1515.30 Enrollment Process

1515.40 Exceptions to Enrollment Process

1515.50 Payments

1515.60 Violation

EXHIBIT A Map of Eligible Area in Illinois River Watershed

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 51], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired February 19, 1999; adopted at 23 Ill. Reg. ~~3396~~, effective MAR 8 1999.

Section 1515.10 General Provisions

The Conservation Reserve Enhancement Program (CREP) is a State Incentive Program combined with the Federal Conservation Reserve Program (CRP) to provide long term environmental benefits by allowing 232,000 acres of certain environmentally sensitive lands in the Illinois River Watershed to be restored, enhanced or protected over a period of time from 15 years to perpetuity. The CREP will be driven by locally led conservation efforts which show landowner support. This program will be the vehicle for a partnership between landowners, governmental entities, and non-governmental organizations in addressing watershed quality problems.

Section 1515.20 Eligibility Requirements

Lands that meet the CREP eligibility criteria for CRP contracts as determined by the USDA Farm Service Agency (FSA) are eligible for the State Incentive Program, unless specifically excepted by Section 1515.40(a).

- a) The acres to be enrolled under CREP must consist of land from the subwatersheds adjacent to the Middle Illinois and Peoria Lake sections of the Illinois River and the adjacent watersheds of the Vermilion, Mackinaw, Spoon, Lower Fox, Lower Sangamon, and Kankakee Rivers as shown on the attached map (EXHIBIT A). These acres will be further

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subdivided to include:

- 1) 15,000 acres of lands with a weighted average Erodibility Index (EI) ≥ 12 . Such lands will only be eligible if: such lands are adjacent to a stream corridor; the landowner agrees to enroll riparian areas in the stream corridor using the CREP or any other CRP enrollment opportunity; and the land has become an uneconomic remnant as a result of the establishment of a riparian buffer or the enrollment of the land is required for effective functioning of a riparian buffer; and
 - 2) 85,000 acres of riparian areas, defined as the 100 year floodplain of the Illinois River and its associated tributaries and streams in the watersheds specified in subsection (a) of this Section and shown in EXHIBIT A. For wetland restoration purposes, farmed wetlands, prior converted wetlands and wetlands farmed under natural conditions that are located within the watersheds specified in the agreement shall be eligible for enrollment.
- b) The CRP practices that are eligible for use on the CREP enrollments to receive cost-share assistance are:
- 1) For lands qualifying on the basis of erosion (must have an EI ≥ 12):
 - Establishment of Permanent Native Grasses (CRP Practice CP 2)
 - Tree Planting (CRP Practice CP 3)
 - Hardwood Tree Planting (CRP Practice CP 3A)
 - Permanent Wildlife Habitat, Nonseasement (CRP Practice 4D)
 - Wildlife Food Plot (CRP Practice CP 12)
 - Rare and Declining Habitat for prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration (CRP Practice CP 25)
 - 2) For lands qualifying as riparian areas:
 - Hardwood Tree Planting (CRP Practice CP 3A)
 - Permanent Wildlife Habitat, Nonseasement (CRP Practice 4D)
 - Shallow Water Areas for Wildlife (CRP Practice CP 9)
 - Wildlife Food Plot (CRP Practice CP 12)
 - Filter Strip (CRP Practice CP 21) - Filter strips can extend to the Natural Resources Conservation Service (NRCS) maximum design standard for Illinois based on percent slope for the purposes of water quality. Installation of appropriate practices authorized in this Section may be combined adjacent to CP 21 (Filter Strip) up to a combined maximum width for both practices of 234 feet.
 - Riparian Buffer (CRP Practice CP 22) - Riparian buffers can extend to the maximum widths allowed in the NRCS Field Office Technical Guide, which include the 100 year floodplain for water quality purposes.
 - Wetland Restoration (CRP Practice CP 23) - Will be applied to farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions and lands that lie in the 100 year floodplain.
 - Rare and Declining Habitat for prairie ecosystem restoration,

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tallgrass prairie/oak savanna ecosystem restoration, or floodplain wetland restoration (CRP Practice CP 25).

Section 1515.30 Enrollment Process

- a) An applicant for the program must be enrolled in the Federal portion of the Conservation Reserve Enhancement Program.
- b) For the State Incentive Program, the enrollment process is initiated at the county Soil and Water Conservation District (SWCD) office. The participant, who must be enrolled in the Federal portion of the CREP, completes the State enrollment form that specifies the desired option: a 15 year contract supplement, a 35 year contract supplement, or a permanent easement (minimum of 20 acres).
- c) The State enrollment form along with the FSA approved CRP contract of the land to be enrolled shall be faxed to Forest Resources Division, Illinois Department of Natural Resources (IDNR) to document the date and time received. The State form receives an enrollment number and an approval date that obligates the State funding for that enrollment. Enrollments are accepted and numbers assigned on a first come-first served basis. If the appropriation for that fiscal year has been obligated, then the enrollment receives a number and a date on the waiting list for subsequent appropriations.
- d) The enrollment form with the enrollment number and approval date or waiting list date shall be faxed back to the county SWCD office. The county SWCD shall work with the landowner to execute the contract supplement or permanent easement documents and record them at the County Courthouse.

Section 1515.40 Exceptions to Enrollment Process

- a) Participants with land that is subject to a restrictive covenant that has already given the State the rights provided for in the CREP easement or are restoring the land for mitigation from a State or federal action are ineligible for State CREP bonus payments or State CREP cost-share payments.
- b) If a county SWCD chooses not to hold contract supplements or easements for that county, the enrollment forms will be completed at the county SWCD office. However, the IDNR will work with the landowner to execute the contract supplements and easements, record them at the County Courthouse, and administer them.
- c) As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CREP contract supplements or easements for a group of willing CREP participants. Such entity must contact IDNR with a signed list of willing participants. IDNR will assist the entity with the enrollment process. The entity must execute the contract supplements or easements,

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administer them, and provide annual reports to IDNR by September 30 of each year.

Section 1515.50 Payments

Payments will be provided to the participant upon execution of the contract supplement or permanent easement based upon the following formulas:

- a) Bonus Payments
 - 1) Permanent Easements
 - A) The payment to a participant for a voluntary permanent easement will be a lump sum payment equal to the CRP maximum annual rental rate as determined by FSA based on soil types (exclusive of any federal incentive payments) times 15 years times 30 percent.
 - B) If the participant elects a permanent easement option, additional non-cropped acreage or ground in another CRP sign-up may be offered for permanent easement. The participant will receive a lump sum payment based on the formula set forth for CREP State incentive, but using the soil type on the additional acreage. The participant must agree for a conservation plan written and approved by USDA and IDNR to be established at the time of enrollment for the total acreage in the permanent easement, but will receive no cost-share payment for any practice established on the additional non-cropped acreage or other CRP land. The criteria for a permanent easement on additional non-cropped ground or ground in another CRP sign-up:
 - i) must be adjacent to the stream, tributary, or Illinois River;
 - ii) must be adjacent to cropped acreage enrolled in a CREP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner);
 - iii) Must already be in acceptable practices based on soil types and wildlife benefits or the participant must be willing to put the land in the acceptable practice at his own expense. If applicable, the landowner may use another federal and/or State cost share program to implement the practices. (For example, if the landowner wants to include additional non-cropped land in trees along with a wetland restoration on eligible CREP land, he may enroll the non-cropped land in the permanent easement with the cropped acreage, but must pay any restoration costs on the non-cropped land.) A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acreage (non-cropped ground or land in another CRP sign up) offered for permanent easement.
 - 2) 15 Year Supplement

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The payment to a participant for a 15 year contract supplement will be a lump sum payment that will equal 50 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any federal incentive payments, times 15 years, times 30 percent).

3) 35 Year Supplement

The payment to a participant for a 35 year contract supplement will be a lump sum payment that will equal 75 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any federal incentive payments, times 15 years, times 30 percent).

b) Cost-Share Payments

Participants who enter the State incentive program will also receive cost-share payments for the installation of CREP approved practices based on the following formulas:

1) Participants who enter into a voluntary CREP permanent easement will receive reimbursement at a 50 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a participant from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.

2) Participants who enter into a 15 year contract supplement or 35 year supplement on lands defined as riparian areas, farmed wetlands, prior converted wetlands, or wetlands farmed under natural conditions will receive reimbursement at a 40 percent cost-share rate based upon FSA guidelines for the installation of CREP approved practices from the State. The amount of reimbursement to a participant from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.

3) Participants who enter into a 15 year contract supplement or 35 year supplement on lands defined on the basis of erodibility (weighted average Erodibility Index, $EI \geq 12$) will not receive any reimbursement from the State for cost-share for CREP practice implementation. Participants may receive reimbursement from other sources.

c) Mechanics of Payment

1) For executed contract supplements and easements, the county SWCD shall complete an invoice voucher and submit to IDNR for a lump sum bonus payment.

2) The cost-share payment will be made to the landowner after the practice has been approved by the appropriate IDNR field staff and certified by the county SWCD office. The county SWCD will submit an invoice voucher to IDNR for the cost-share payment on certified practices.

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Participants who violate the terms of either the 15 year or 35 year contract supplements or permanent easement must either restore the conservation practices in full to the terms of the contract or easement at their own expense within a reasonable time frame (1 year or less); or refund the total of all money from the State lump sum payment, the State cost-share payment and amount paid to the county SWCD for the administration of the contract supplement, plus a 15 percent penalty fee (15 percent of the total of all State payments to landowner and county SWCD).

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to read: "The Department shall issue a Class C Nuisance Wildlife Control Permit to a governmental body upon application"

525.20(d)(6) - added new subsection:

6) The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) zoo provided that entity is accredited by the American Zoological Association and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) botanical garden provided that entity is a member of the American Arboreta and Botanic Garden Association and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). Authorization granted to not-for-profit zoos and botanical gardens is limited to properties owned by those entities and subject to refusal, revocation and/or suspension pursuant to Sections 525.20(e), 525.30(q), and 525.40.

525.20(e) - changed statutory citation to read "520 ILCS 10" and removed "Section 3 of the Humane Care for Animals Act [510 ILCS 70/3]; changed statutory citations to read "520 ILCS 5" and "520 ILCS 5"

525.30(a) - changed statutory citation at end of subsection to read "520 ILCS 5"

525.30(c)(1)(C) - changed "which" to "that" in 2 places

525.30(c)(1)(D) - changed "twenty-five" to "25"

525.30(c)(5) - added a comma following "legehold trap"

525.30(c)(6) - added a comma following "cushion-hold trap"

525.30(c)(8) - changed "thirty (30)" to "30"

525.30(c)(9) - changed "which" to "that"

525.30(d) - added "Class B not-for-profit permittees are restricted to taking nuisance fauna only on the lands owned by the not-for-profit entity. Nothing in this Part allows the taking of wildlife on the property of another without permission from the landowner or tenant."

525.30(d) - "state" was capitalized

525.30(h) - subsections labeled (i) and (ii) were changed to (1) and (2); and "525.30(k)" was changed to "subsection (k) of this Section"; and

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"Federal" in the closing paragraph was changed to "federal"

525.30(i) - subsection labels (i) and (ii) were changed to (1) and (2); and "which" was changed to "that"; at the end of subsection 525.30(i)(2) added the following: ", or surrendered to a licensed veterinarian who is a licensed wildlife rehabilitator for euthanasia or treatment and release. Release may only be after an observation period of at least 45 days. During observation, raccoons may be housed at any licensed rehabilitator."; and the closing paragraph of subsection 525.30(i) was changed to read: "All other protected Species must be released alive or surrendered to a licensed rehabilitator."

525.30(j) - "but are not limited to:" was changed to "such methods as:"

525.30(j)(1) - "(mechanical only)" was added following "stunning"

525.30(1) - "taken under authority of this Part" was added following "by-products"

525.30(m) - "525.30(i)" was changed to "subsection (i) of this Section"

525.30(r) - "or herself" was added following "himself"

525.40 - "Wildlife Codes" was replaced with "portions of the Wildlife Code"; ", Section 3 of the Humane Care for Animals Act [510 ILCS 70/3]" was removed

525. EXHIBIT A - added "Not-for-Profit Organizations" in Part 2 following "Class B (Volunteer)" and removed "Not-for-Profit Organizations" following "Class C (Governmental Bodies)"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to simplify the permit process for not-for-profit organizations; improve permittee's ability to target animals causing damage by allowing additional trap types/modifications; better comply with revised recommendations for humane euthanasia issued by the American Veterinary Medical Association; allow the salvage of dead white-tailed deer and control of blackbirds with federal guidelines; and reduce the number of raccoons that are relocated.

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16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price

Department of Natural Resources

524 S. Second Street, Room 430

Springfield IL 62701-1787

217/782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 525
NUISANCE WILDLIFE CONTROL PERMITS

Section	Purpose
525.10	Requirements and Application
525.20	General Provisions
525.30	Revocation and Suspension of Permits - Hearings and Appeals
525.40	Application for Nuisance Wildlife Control Permit
EXHIBIT A	

AUTHORITY: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

SOURCE: Adopted at 15 Ill. Reg. 4149, effective March 4, 1991; amended at 16 Ill. Reg. 1826, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. ~~3406~~ 3406; effective ~~MAR 8 1996~~ MAR 8 1999.

Section 525.10 Purpose

This Part has been established to govern the taking, possession, transport, and disposition of Protected Species as defined by Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] (~~Ill. Rev. Stat.:1989, ch. 61, par. 2-2~~) which are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control Permits. Drainage Districts controlling beavers under authority of the Wildlife Code [520 ILCS 5/2.37] and recipients of Nuisance Animal Removal Permits are exempt from the provisions of this Part.

(Source: Amended at 23 Ill. Reg. ~~3406~~ 3406, effective ~~MAR 8 1996~~ MAR 8 1999)

Section 525.20 Requirements and Application

- a) Any individual desiring to control Protected Species which are causing damage to property or a risk to human health or safety on the land of another, for a fee, must first obtain a valid Class A Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h).
- b) Any person desiring to control Protected Species which are causing damage to property or a risk to human health or safety on the land of another, at no charge, must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Not-for-profit

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(501(c)(3)) zoos and botanical gardens desiring to control protected species that are causing damage to property or are a risk to human health or safety on lands owned by that entity must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h).

- c) Any governmental body desiring to control Protected Species which are causing damage to property or a risk to human health or safety on lands governed, owned or managed by that governmental body ~~the land of another~~ must first obtain a valid Class C Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h).

d) Permit Procedures

- 1) To be eligible for a Class A or Class B Nuisance Wildlife Control Permit the applicant must be at least 18 years of age.

- 2) Application for a Nuisance Wildlife Control Permit shall be made on forms provided by the Department's Division of Wildlife Resources and shall be obtained by submitting a request to the Division.

- 3) The Department shall issue a Class A Nuisance Wildlife Control Permit to an individual provided the applicant has:

- A) met eligibility requirements as per this Section;
B) passed a written examination administered by the Department which tests the applicant's knowledge and understanding of:

- i) this Part;
- ii) the Wildlife Code [520 ILCS 5/2.37] ~~{111-Rev-Stat-7 1989-CH-61-PAR-2-377}~~;
- iii) Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010);
- iv) the Illinois Dead Animal Disposal Act [225 ILCS 610] ~~{111-Rev-Stat-1989-CH-8-PAR-149-ET-SEQ-7}~~;
- v) "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (Subpart F, Subchapter A, ch. 1, Title 9 CFR, 1985) (no later editions or amendments are included);
- vi) Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation, and Transportation of Game Mammals, Game Birds, Migratory Birds, or Exotic Wildlife (17 Ill. Adm. Code 630); and

- vii) diseases, life cycles, habits, and habitats of common Illinois wildlife as well as methods of preventing or controlling damage and risks to human health or safety.

- C) completed a Hunter Safety Course administered by the

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Department or provided proof of equivalent training if guns firearms are to be used to take or euthanize animals.

- 4) Each new applicant or person whose permit has been revoked or has expired shall be required to answer correctly at least 80% of the questions on the closed-book examination. Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a six-month waiting period from the date of the second exam is required. The before-the examination sequence can be repeated no more than twice during any two-year period.

- 5) The Department shall issue a Class B Nuisance Wildlife Control Permit to an individual provided the applicant has:

- A) met eligibility requirements as per this Section;
- B) successfully completed an interview during which a representative of the Division of Wildlife Resources has determined the applicant's knowledge of wildlife and wildlife capture techniques sufficient to render services as provided for in this Section; and
- C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if guns firearms are to be used to take or euthanize animals.

- 6) The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) zoo provided that entity is accredited by the American Zoological Association and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) botanical garden provided that entity is a member of the American Arboreta and Botanic Garden Association and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). Authorization granted to not-for-profit zoos and botanical gardens is limited to properties owned by those entities and subject to refusal, revocation and/or suspension pursuant to Sections 525.20(e), 525.30(q), and 525.40.

- 7) ~~6~~ The Department shall issue a Class C Nuisance Wildlife Control Permit to a governmental body upon application.

- e) Violation of the Illinois Endangered Species Act [520 ILCS 10] ~~{111-Rev-Stat-1989-CH-8-PAR-331-9417}~~, the Fish Code of 1971 [520 ILCS 5] ~~{111-Rev-Stat-1989-CH-567-PAR-1-1-6-4}~~ or the Wildlife Code [520 ILCS 5] ~~{111-Rev-Stat-1989-CH-1-2-517}~~ during the 3 years prior to application for a Class A or Class B Nuisance Wildlife Control Permit shall be grounds for refusal to issue said permit.

- f) Final judgment of applications shall be made by the Chief, Division of Wildlife Resources, or his designee, based on criteria contained in subsection (d).

(Source: Amended at 23 Ill. Reg. 3406 effective

MAR 8 1999)

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Section 525.30 General Provisions

- a) Nuisance Wildlife Control permits shall be issued on an annual basis and expire January 31 of each year. Nuisance Wildlife Control permits are not transferable. Permitted Nuisance Wildlife Control is governed solely by Sections 2.37 and 2.38 of the Wildlife Code [520 ILCS 5/2.37 and 2.38] ~~(111-Rev-Stat-1989, ch-61, pars-2-37 and 2-38) and this Part.~~ All other provisions of the Game Protective Regulations of the Wildlife Code [520 ILCS 5] ~~(111-Rev-Stat-1989, ch-61, Art-III) do not apply.~~
- b) Under no circumstances shall a Nuisance Wildlife Control Permit be used in lieu of a scientific collector's permit or sport or commercial licenses.
- c) Permittee's method of taking fauna must be approved by the Department. Approved methods include, but are not limited to trapping and shooting. In addition,

1) Only the following devices shall be used for land sets: ~~Only--box traps,--cage--traps,--or--traps--of--similar--design--and--unmodified cushion--hold--traps--shall--be--used--for--land--sets,--Cushion--hold trap--means--an--approved--trap--of--the--spring--loaded--type--with offset--jaws--designed--to--capture--an--animal--by--closing--upon--one--of its--limbs--and--which--is--so--constructed--that--the--edges--designed--to touch--the--animal--are--composed--of--a--non--metallic--substance--which eliminates--or--mitigates--injury--to--the--trapped--animal.~~

A) box traps, cage traps or traps of similar design;

B) EGG traps (trademark), D-P (trademark) (Dog-Proof) traps or traps of similar design with a single access opening no larger than three square inches;

C) cushion-hold traps with no modifications from the manufacturer's specifications other than the addition of auxiliary springs and/or swivels. "Cushion-hold trap" means an approved, commercially manufactured trap of the spring-loaded type with offset jaws designed to capture an animal by closing upon one of its limbs and that is so constructed that the edges designed to touch the animal are composed of a non-metallic substance that eliminates or mitigates injury to the trapped animal; and

D) body-gripping traps powered by two springs and having an inside jaw spread no larger than 25 square inches may be used if set inside a residence at least four inches from any outside surface of the structure or set outdoors at least eight feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic such that the trigger of the trap is located at least twelve inches from any entrance to the enclosure in which it is set.

2) Body-gripping trap, cushion-hold traps, leghold traps, EGG (trademark) traps and D-P (trademark) (Dog-Proof) traps or traps

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of similar design, Bailey beaver traps or traps of similar design, Sneed colony traps or traps of similar design, and cage traps, box traps or traps of similar design may be used for water sets. Snarers that are not powered by springs or other mechanical devices shall be used for water sets only if at least one-half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 CM); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2 1/2 inches (6.4 CM); the cable diameter is not less than 5/64 inch (2.0 MM) but not greater than 1/8 inch (3.2 MM); and the snare is not constructed of stainless steel metal cable or wire.

3) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day.

4) It is unlawful for any person to place, set, use, or maintain any trap or snare that is not tagged, inscribed, or otherwise identified with the permittee's name and address.

5) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap or leghold trap, in water, that has an inside jaw spread larger than 7 1/2 inches (19.1 CM), or a body-gripping trap having an inside jaw spread larger than 144 square inches ~~10 inches-(25-4-CM)-on-a-side-if-square-and-12-inches-(30-5-CM)-if-round.~~

6) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap, on land, that has an inside jaw spread larger than 6 1/2 inches (16.6 CM).

7) It is unlawful to use any trap with saw-toothed, serrated, spiked, or toothed jaws.

8) It is unlawful to place, set, or maintain any leghold trap or cushion-hold trap within ~~thirty--(30)~~ feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to underwater sets. Bait shall mean and include any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers.

9) It is unlawful to use any deadfall, pit trap, spear, gig, hook, crossbow, poison, chemical, explosive or any like device to take any Protected Species, except that commercially available gas cartridges that emit carbon monoxide or carbon dioxide as primary lethal agents may be used according to the manufacturer's specifications.

10) It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case.

11) It is unlawful to fire a rifle, pistol, revolver, or airgun on, over or into any waters of this State, including frozen waters.

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- 12) It is unlawful to discharge any gun along, upon, across, or from any public right-of-way or highway in this State.
- 13) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.
- 14) It is unlawful for any person to remove animals from or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.
- 15) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in activities permitted by this Section.
- 16) It is unlawful for any person to take any Protected Species during the gun deer hunting season in those counties open to gun deer hunting, unless he wears, when in the field, a cap and outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material.
- 17) The use of guns firearms shall be subject to all State state restrictions.
- 18) The use of guns firearms shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.
- d) Taking of fauna on private properties by Class A and Class B permittees requires the landowner's or tenant's written permission. Class B not-for-profit permittees are restricted to taking nuisance fauna only on the lands owned by the not-for-profit entity. Nothing in this Part allows the taking of wildlife on the property of another without permission from the landowner or tenant. Taking-of-fauna-on private-properties-by-Class-B-permittees-requires-the-landowner's-or-tenant's-written-or-orat-permission.
- e) Taking of fauna on State-owned state-owned or -managed lands requires written authorization from the Site Superintendent or District Wildlife Habitat Biologist Manager.
- f) Permittees shall describe to the persons seeking services the estimated cost and type of control methods to be used to relieve the nuisance problem and/or to alleviate damage to livestock, crops, or property.
- g) The Nuisance Wildlife Control permit must be carried on the person at all times when taking or transporting fauna and be presented, upon request, to any authorized employee of the Department or any peace officer.
- h) The taking of white-tailed deer, endangered species, threatened species, migratory birds, or other species protected by Federal regulations is prohibited except for: unless-specific-authority-is-granted-by-the-Department---if--the-permittee-desires-to-control-migratory-birds-or-other-species-protected-by-federal-regulations--the-permittee-must-first-obtain-appropriate-authorization--from--the--U-S-

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- Fish-and-Wildlife-Service--then-receive-approval--from--the-Department prior-to-initiating-any-control-methods-
- 1) the salvage and disposal of dead white-tailed deer in accordance with subsection (k) of this Section; and
- 2) the control of blackbirds, cowbirds, grackles, crows and magpies in accordance with and under authority of a standing Depredation order issued by the U.S. Fish and Wildlife Service (Title 50, CFR, Part 21, Subpart D, Paragraph 1989).
- If the permittee desires to control any other migratory birds or other species protected by federal regulations, the permittee must first obtain appropriate authorization from the U.S. Fish and Wildlife Service, then receive written approval from the Department prior to initiating any control methods.
- i) All fur-bearing mammals [520 ILCS 5/1.2g] and game mammals [520 ILCS 5/1.2h] that are not endangered or threatened [17 Ill. Adm. Code 1010] and are taken under authority of this Part must be released alive or euthanized except that: All-fur-bearing-mammals-which-are-not-listed-in-17-iii--Adm--Code-1010-and-all-game-mammals-which-are-not-listed-in-17-iii--Adm--Code-1010-and-are-taken-under-authority-of-this-Part-must-be-released-alive-or-euthanized-except-that--striped--skunks--must-be-euthanized---All--other--Protected--Species-must-be-released--alive-or-surrendered-to-a-licensed-rehabilitator.
- 1) striped skunks must be euthanized; and
- 2) raccoons must be euthanized or released on the same property and within 100 yards of where they were captured, or surrendered to a licensed veterinarian who is a licensed wildlife rehabilitator for euthanasia or treatment and release. Release may only be after an observation period of at least 45 days. During observation, raccoons may be housed at any licensed rehabilitator.
- All other Protected Species must be released alive or surrendered to a licensed rehabilitator.
- j) Methods of euthanizing animals must be approved by the Department and include such methods as but-are-not-limited-to:
- 1) captive bolt, gunshot, drowning, and stunning (mechanical only);
- 2) inhalants, including ether, halothane, methoxyflurane, isoflurane, nitrous-oxide--N2O, carbon monoxide, and carbon dioxide; and
- 3) non-inhalants including Secobarbital/dibucaine and g-61.
- k) All dead euthanized animals must be transferred to a licensed renderer or disposed of in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] (Ill--Rev--Stat--1989--ch--67--part--149--et--seq--).
- l) Animals, animal parts and animal by-products taken under authority of this Part may not be sold, offered for sale, bartered or shipped for the purpose of sale or barter The--sale--of--animals--or--animal-by-products--taken--under--authority--of--this--Part--is--prohibited.
- m) All animals released alive must be re-located into suitable habitat in the State of Illinois within 24 hours after capture. Except as

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provided for in subsection (i) of this Section, the the release site must be located at least 10 but not more than 40 miles from the capture site unless the Department grants specific authority to release animals greater than 40 miles from the capture site and the animals are certified disease-free as provided for in 17 Ill. Adm. Code 630. Animals captured by duly appointed representatives of municipalities shall be re-located into suitable habitat less than 10 miles from the capture site if this subsection the would require the release of animals on lands outside their under--the jurisdiction of another-municipality.

n) Temporary holding facilities must meet U.S. Department of Agriculture standards for animal welfare as specified in "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea pigs, Nonhuman Primates, and Marine Mammals" (Subpart F, Subchapter A, ch. 1, Title 9 CFR, 1985) (no later editions or amendments are included).

o) Release of fauna onto public or private land requires written authorization from the site superintendent, tenant, or landowner. In the event that threatened or endangered species are involved, the release shall be directed by the Endangered and Threatened Species Conservation Program Coordinator, Division of Natural Heritage, Department of Natural Resources, 524 South Second Street, Springfield, Illinois 62701.

p) Permittees who rent, lend or otherwise transfer traps to clients, citizens, or other parties who are not under their direct supervision and have not obtained a Nuisance Wildlife Control Permit or a Nuisance Animal Removal Permit are responsible for any damages or violations of this Section that are perpetrated by the other party. Any animals taken by a second party must be reported by the permittee in accordance with subsection (q). Failure to comply with this Part shall result in permit suspension or revocation in accordance with Section 525.40.

q) All permittees shall maintain records and submit an annual report to the Department showing the following information: total number of complaints received, number of complaints serviced, county of residence, name, address, and phone number of the permittee, number and kinds of animals relocated, name, address, and phone number of any site supervisor, tenant or landowner on whose property animals were released, locations where animals were released, and number and kinds of all animals euthanized. This report shall be made on or before January 20 and shall include all operations for the period from January 1 through December 31 of the previous year. All such reports and records required by this Section shall be available for inspection by any officer or authorized employee of the Department, any sheriff, deputy sheriff, or any other peace officer at any reasonable time when request is made for same. Failure to comply with the provisions of this Section shall bar the permittee from obtaining a Nuisance Wildlife Control permit for the following year.

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r) It shall be unlawful for any person to represent himself or herself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed as such.

(Source: Amended at 23 Ill. Reg. 3403, effective MAR 8 1993)

Section 525.40 Revocation and Suspension of Permits - Hearings and Appeals

In accordance with Section 3.36 of the Wildlife Code [520 ILCS 5/3.36] ~~Rev-Stat--1989, ch--61--par--3-367~~, failure to comply with the provisions of the Nuisance Wildlife Control Permit, portions of the Wildlife Code of Illinois pertaining to Nuisance Wildlife Control Permits, and this Part or providing false information to obtain a Nuisance Wildlife Control permit shall result in suspension and or revocation of the Nuisance Wildlife Control permit. Suspension of the Nuisance Wildlife Control Permit shall be for a period of not less than one year. Upon receiving three or more complaints about services rendered by a permittee, the Department shall review allegations and shall immediately suspend the permit of said person for a period not to exceed 90 days pending an investigation. The procedure by which suspensions and revocations are made, the rights of permittees to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530.

(Source: Amended at 23 Ill. Reg. 3403, effective MAR 8 1993)

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Section 525. EXHIBIT A Application for Nuisance Wildlife Control Permit

Part 1. Personal Data

Name First Middle Initial Last
Representing the following company, organization or governmental body
(if applicable):

Address Street City State Zip Code

Phone Area Code Number

Date of Birth Month Day Year

Part 2. Type of permit applied for (check one):

Class A (Commercial)
Class B (Volunteer/Not-For-Profit Organizations*)
Class C (Governmental Bodies Only)

* Not-for-Profit Organizations must attach a copy of their Internal Revenue Service tax-exempt status determination letter and a map or legal description of their properties where wildlife will be controlled

Part 3. Work Area (Applicants for Class A and B Permits only)

A list of permittees is distributed to District Wildlife Habitat Biologists and Conservation Police Officers so that they can refer complainants to permittees who service that area. Please list (in order of preference) up to four counties that you service. This list will be used strictly for referrals; your activities are not restricted to this area.

County 1
County 2
County 3
County 4

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I certify that all information provided on this application is true and correct, to the best of my knowledge.

Applicant's Signature

RETURN COMPLETED APPLICATIONS TO:

Illinois Department of Natural Resources
Division of Wildlife Resources
Lincoln Tower Plaza
524 South Second Street
Springfield, IL 62701-1787 62706

(Source: Amended at 23 Ill. Reg. effective

MAR 8 1999

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1) Heading of the Part: Plugging and Restoration Contracts2) Code Citation: 44 Ill. Adm. Code 6103) Section Number: Adopted Action:

610.100	Amend
610.120	Amend
610.210	Amend
610.300	Amend
610.310	Amend
610.310	Amend
610.320	New
610.400	New
610.410	New
610.420	New
610.430	New
610.430	New
610.440	New
610.450	New
610.500	New
610.510	New
610.520	New
610.530	New
610.540	New

4) Statutory Authority: Implemented and authorized by Section 19.6 of the Illinois Oil and Gas Act [225 ILCS 725/19.6].5) Effective Date of Amendments: March 8, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: August 14, 1998; 22 Ill. Reg. 1459810) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version:

a) In the heading, "CHAPTER VIII: DEPARTMENT OF MINES AND MINERALS", "MINES AND MINERALS" has been stricken and replaced with "NATURAL RESOURCES".

b) In Section 610.100, the definition of "Salvage Plugging and

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Restoration Project", "or well site equipment removed and the site cleaned up" has been added after the word "plugged"; in the definition of "CMS Standard Procurement Rules", "1.100 et seq." has been stricken.

c) In Section 610.400, "or the clean-up of the well site" has been added after the word "wells".

d) In Section 610.410, "or Restoration" has been added after the word "plugging".

e) In Section 610.430(a), "or Restoration" has been added after the word "plugging"; and "or well site equipment to be removed" has been added after the word "plugged" in the second line; "or to remove the well site equipment and clean up the well site" has been added after the word "wells" in the sixth line.

f) In Section 610.440, "In contracts involving the plugging of wells," has been added at the beginning of the sentence and "Only" has been changed to "only".

g) In Section 610.450, "standard procurement" has been deleted and replaced with "property disposition".

h) In the titles of Section 610.530 and 610.540, "sale" has been capitalized.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending of this Part? No

15) Summary and Purpose of Amendment: Amends current Plugging and Restoration contract rules to implement recently enacted legislation which authorizes the disposition of certain oilfield equipment placed into the Department's Oil and Gas Well Site Plugging and Restoration program by administrative order. Clarifies various existing definitions and adds a new definition of "Well Site Equipment". A new Subpart D is added to specify the scope of salvage plugging and restoration projects and to clearly establish equipment salvage values. Requirements are specified for the disposal of salvage equipment by private or public bid sale.

16) Information and questions regarding this adopted amendment shall be directed to:

Alfred L. Clayborne, Legal Counsel

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Department of Natural Resources
524 South Second Street
Springfield IL 62701
(217) 782-1809

The full text of the Adopted Amendments begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER VIII: DEPARTMENT OF NATURAL RESOURCES MINES-AND-MINERALS

PART 610

PLUGGING AND RESTORATION CONTRACTS

SUBPART A: GENERAL PROVISIONS

Section
610.100
610.110
610.120

Definitions
Incorporation of rules
Prequalification of Bidders

SUBPART B: STANDARD PLUGGING AND RESTORATION PROJECTS

Section
610.200
610.210
610.220
610.230
610.240
610.250
610.260
610.270
610.280

Applicability
Scope
Work to be performed
Invitation for Bids
Notification of vendors
Content of the Invitation for Bids
Evaluation of Bids
Negotiation
Contract terms

SUBPART C: EMERGENCY PLUGGING AND RESTORATION PROJECTS

Section
610.300
610.310
610.320
610.330
610.340
610.350

Applicability
Scope
Work to be performed
Contracts for Individual Emergency Projects
Regional Contracts
Contract terms

SUBPART D: SALVAGE PLUGGING AND RESTORATION PROJECTS

Section
610.400
610.410
610.420
610.430
610.440
610.450

Applicability
Scope
Work to be performed
Contracts and Salvage Estimates
Eligible Vendors
Contract Terms

SUBPART E: SALE OF SALVAGE EQUIPMENT

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Section	Applicability
610.500	Scope
610.510	Equipment to be sold
610.520	Private sale
610.530	Bid sale
610.540	

AUTHORITY: Implementing and authorized by Section 19.6 of the Illinois Oil and Gas Act [225 ILCS 725/19.6].

SOURCE: Adopted at 17 Ill. Reg. 8176, effective May 25, 1993; amended at 23 Ill. Reg. 8421, effective MAR 8 1999.

SUBPART A: GENERAL PROVISIONS

Section 610.100 Definitions

"Bid List"--means the list of prequalified bidders compiled and maintained by the Illinois Department of Natural Resources, Office of Mines and Minerals.

"CMS"--means the Illinois Department of Central Management Services.

"CMS Standard Procurement Rules"--means the standard procurement rules of the Illinois Department of Central Management Services as codified under 44 Ill. Adm. Code 1-100-et-seq.

"Department"--means the Illinois Department of Natural Resources, Office of Mines and Minerals.

"Emergency Clean-up Project"--means an emergency crude oil production facility, or crude oil or saltwater spill clean-up or remediation of conditions endangering public health or safety or contaminating surface waters, ground water, or the surface of the land.

"Emergency Repair Work"--means work to repair or contain leaks of produced fluids from production equipment, pits, or other containment structures that are contaminating surface waters or ground waters, or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land.

"Emergency Remedial Work"--means remedial work to--repair--or--contain leaks--from--production--equipment--pits--or--other--containment structures--of--oil--or--saltwater--that--are--contaminating--surface waters--or--are--flowing--in--sufficient--quantity--to--create--an--increasing area--of--contamination--on--the--surface--of--the--land.

"Emergency Well Plugging"--means the plugging and abandonment of a

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well or wells that are actively flowing oil or saltwater and are contaminating surface waters or ground waters or are flowing in sufficient quantity to create an increasing area of contamination on the surface of the land, or a well leaking natural gas or hydrogen sulfide gas in sufficient quantity to endanger public safety or create a fire hazard or a non-leaking well that poses an imminent danger to public safety a--well--or--wells--that--are--actively--flowing--oil--or saltwater--and--are--contaminating--surface--waters--or--flowing--in sufficient--quantity--to--create--an--increasing--area--of--contamination--on the--surface--of--the--land--or--a--well--leaking--natural--gas--or--H2S--in sufficient--quantity--to--endanger--public--safety--or--create--a--fire--hazard.

"Emergency--Project"--means--an--emergency--well--plugging--or--emergency remedial--work--PRP--Project.

"IFB"--means an invitation for bids whereby the Department solicits bids from vendors for the completion of a Standard, Emergency Clean-up, Emergency Repair, or Emergency Well Plugging PRF Project or salvage equipment sale. Bids may be solicited for proposed unit prices, such as for bags of cement and rig time, or for completion of an entire project, or for purchase of salvage production equipment determined to be abandoned in accordance with the Illinois Oil and Gas Act both.

"PRF"--means the Department's Plugging and Restoration Fund as established under Section 6 of the Illinois Oil and Gas Act [225 ILCS 225]. 7-iii-Rev-Stat-1991, ch-96-1/27-par-5401-et-seq.

"PRF Project"--means a Standard Project, or Emergency Clean-up Project, Emergency Well Plugging, Emergency Repair Work or Salvage Plugging Project funded by the Plugging and Restoration Fund.

"Salvage Plugging and Restoration Project"--means a Plugging and Restoration Project whereby abandoned wells are plugged or well site equipment removed and the site cleaned up for the value of the salvage.

"Salvage Equipment Sale"--means sale, by private means or bid, of salvage production equipment associated with abandoned wells in the Plugging and Restoration Program.

"Secretary of State"--means the Secretary of State of the State of Illinois.

"Standard plugging and Restoration Project"--means a PRF Project that has not been determined by the Department to not be an Emergency Project whereby abandoned wells are plugged following a bidding process.

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"Supervisor"--means the Supervisor of the Oil and Gas Division of the Department of Natural Resources, Office of Mines and Minerals.

"Well Site Equipment"--means the equipment including but not limited to an associated tank battery and production facility equipment, hydrocarbons from the well that are stored in tanks located on the lease, and hydrocarbons recovered during the plugging operation may be sold at a public auction or a public or private sale. All well site equipment and hydrocarbons acquired by a person by sale shall be acquired under clear title, subject to any perfected prior legal or equitable claims. [225 ILCS 725/19.6(g)(2)]

(Source: Amended at 23 Ill. Reg. 3421, effective MAR 8 1990)

Section 610.120 Prequalification of Bidders

- a) The Department shall maintain a list of prequalified bidders for Standard Emergency and Salvage Plugging contracts. A vendor on the bid list shall be presumed to be a responsible bidder.
- b) Any vendor not on the bid list may be determined to be a responsible bidder for a particular project if at the time of contract award the vendor meets the criteria for prequalification set out under this Section, including having submitted a complete request for placement on the bid list as provided herein.
- c) Any vendor may request at any time to be prequalified and placed on the bid list by completing a request on a form prescribed by the Department and signing the written request. If the vendor is a business entity, such as a corporation, the request must be signed by a person authorized to enter into contracts on behalf of that entity.
- d) The request shall contain the following information:
 - 1) A summary of the vendor's plugging and restoration experience, including a description of the five most recent plugging and restoration projects the vendor has performed and the names and addresses of the persons or entities for whom the vendor performed such work. If the vendor has not performed five such projects, then the vendor shall so state.
 - 2) All plugging and restoration equipment the vendor owns. If the vendor does not own all the equipment that may be generally needed on a plugging and restoration project the vendor must state from whom and under what arrangement, e.g. by lease, the vendor shall obtain the necessary equipment.
 - 3) The location of the vendor's home office, from which all applicable mileage is to be calculated.
 - 4) Certifications as required by Illinois law for any contract with the State of Illinois.
 - 5) If a business entity, the vendor shall also identify the principal owners and officers of the vendor and the nature of the

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vendor's organization, for instance whether it is incorporated. If the vendor is a corporation the vendor must identify the state in which it is incorporated, if incorporated in Illinois whether it is presently in good standing with the Secretary of State's office, and if incorporated in another state whether it is currently authorized to do business in Illinois.

6) The vendor's Federal Taxpayer Identification Number.

7) Whether there is currently a Director's Decision of the Department outstanding against the vendor, under which the vendor is currently in violation of any law or regulation administered by the Department, and if so what violations and the date on which the violations shall be abated.

e) Upon receipt of a request for inclusion on the Department's bid list the Department shall review the request to determine whether the vendor is responsible. The Department may require the vendor submit additional information the Department may need to knowledgeably make the determination of responsibility under subsection (f) of this Section.

f) The Department shall determine that a vendor is responsible if the vendor has submitted a complete request in compliance with this Subpart and based on the information contained in the request, any additional information supplied by the vendor, and the records of the Department, the Department finds that the vendor:

- 1) Has adequate experience to properly perform plugging and restoration work. A vendor shall be presumed adequately experienced if it has successfully performed plugging and restoration projects on at least five wells.
- 2) Has adequate equipment available to perform plugging and restoration work. The vendor must own at a minimum a rig sufficient to set cement as required by the Department to properly plug wells, set bridge plugs, and shoot and pull casing. The Department may inspect the equipment of the vendor to determine the adequacy of the equipment.
- 3) Has access to, either through lease or ownership, adequate equipment, in addition to a rig, to perform plugging and restoration work.
- 4) Does not have outstanding against it a Director's Decision, under which the vendor is currently in violation of any law or regulation administered by the Department, or is owned or operated by individuals who are so in violation, such that the vendor would be prohibited from receiving a permit from the Department.
- 5) If an Illinois corporation, is currently in good standing with the Secretary of State's office, and if a foreign corporation is currently authorized to do business in the State of Illinois.
- 6) Certifies it can, and will, comply with all applicable State laws and regulations.
- g) If any information supplied by the vendor on its request form

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materially changes such that the information is no longer true, the vendor shall immediately report such change to the Department.

h) A vendor may be removed from the bid list if:

- 1) The vendor fails to adequately perform the work required under any PRF project. The Department shall make its determination under this subsection on the basis of the quality and timeliness of the work, and the compliance with the directives from the Department's site manager in performing any PRF project.
- 2) The vendor no longer meets the requirements for being placed on the bid list.
- 3) The vendor fails to inform the Department of a material change in the information supplied in the request.
- 4) Any statement of the vendor on the request is discovered to be false.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

SUBPART B: STANDARD PLUGGING AND RESTORATION PROJECTS

Section 610.210 Scope

A Standard PRF Project may include one or more particular wells to be plugged and sites to be restored; a single leasehold on which all wells are to be plugged, well sites to be restored and lease site to be restored; or several lease sites on which all wells are to be plugged, well and lease sites to be restored.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

SUBPART C: EMERGENCY PLUGGING AND RESTORATION PROJECTS

Section 610.300 Applicability

This ~~the~~ ~~rules~~ of this Subpart applies ~~apply~~ to Emergency Clean-up Projects, Emergency Repair Work and Emergency Well Plugging Projects.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

Section 610.310 Scope

An emergency project may include the clean-up or remediation of conditions occurring at crude oil production facilities endangering public health or safety or contaminating surface or ground waters or the surface of the land; repair work to contain leaking produced fluid from wells, tanks, pits, or containment dikes; or plugging of leaking wells endangering the environment or

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public health and safety ~~emergency well-plugging or emergency remedial work~~.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

Section 610.320 Work to be performed

The Department shall have the discretion to determine what Clean-up, Repair Work or plugging and restoration ~~or remedial~~ work shall be done under any particular project covered by this Subpart and may reserve the authority to modify the work to be performed during the course of the project.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

SUBPART D: SALVAGE PLUGGING AND RESTORATION PROJECTS

Section 610.400 Applicability

This Subpart applies to Plugging and Restoration Program projects where the cost of plugging a well or wells or the clean-up of the well site is offset by the salvage value of the well site equipment.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

Section 610.410 Scope

A Salvage Plugging or Restoration Project may include one or more particular wells to be plugged and well sites to be restored; a single leasehold on which all wells are to be plugged, well sites to be restored and lease site to be restored; or several lease sites on which all wells are to be plugged and well and lease sites to be restored.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

Section 610.420 Work to be performed

The Department shall have the discretion to determine what plugging and restoration work shall be done under any particular project and may reserve the authority to modify the work to be performed during the course of the project.

(Source: Amended at MAR 8 1999 23 Ill. Reg. 3429, effective

Section 610.430 Contracts and Salvage Estimates

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a) Based on the nature of the Salvage Plugging or Restoration Project, the information available regarding the wells to be plugged or well site equipment to be removed, the estimated value of the salvage production equipment, and all other relevant criteria, the Department may enter into a no cost contract to plug a well or group of wells on a lease or part of a unit on the basis of the total cost to plug the well or wells or to remove the well site equipment and clean up the well site to be offset by the value of the salvage production equipment. The Department will transfer control of the abandoned salvage equipment at the time a contract is signed.

b) The estimated salvage value of the well site equipment shall be determined by the Department but shall not be less than the following:

- 1) Pumping unit \$100 each
- 2) Steel tank \$75 each
- 3) Fiberglass \$100 each
- 4) Gunbarrel \$50 each
- 5) Heater-treater \$75 each
- 6) Injection pump \$100 each
- 7) Reusable shed/outbuildings \$1 per square foot
- 8) Salable hydrocarbons per barrel price at time of sale

(Source: Added at 23 Ill. Reg. 3421, effective MAR 8 1999)

Section 610.440 Eligible Vendors

In contracts involving the plugging of wells, only vendors currently on the Department's prequalified bid list are eligible for contracts under this Subpart.

(Source: Added at 23 Ill. Reg. 3421, effective MAR 8 1999)

Section 610.450 Contract terms

The contract shall be explicitly made in compliance with all applicable State laws and rules, including the CMS property disposition rules not superseded by this Part, and shall contain provisions required by such laws and rules and any additional terms to which the parties have agreed.

(Source: Added at 23 Ill. Reg. 3421, effective MAR 8 1999)

SUBPART E: SALE OF SALVAGE EQUIPMENTSection 610.500 Applicability

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This Subpart applies to the sale of abandoned well site equipment. The proceeds of any sale shall be deposited in the Plugging and Restoration Fund.

(Source: Added at 23 Ill. Reg. 3421, effective MAR 8 1999)

Section 610.510 Scope

The sale of abandoned equipment to interested parties may be by private sale, if less than \$2500 per individual item of production equipment, or by bid if over \$2500 per individual item of production equipment.

(Source: Added at 23 Ill. Reg. 3421, effective MAR 8 1999)

Section 610.520 Equipment to be sold

Abandoned well site production equipment associated with wells in the Plugging and Restoration Program are eligible under Section 19.6 of the Illinois Oil and Gas Act to be sold through private or public bid sale. The Department shall have the discretion to determine which items of equipment are eligible for sale.

(Source: Added at 23 Ill. Reg. 3421, effective MAR 8 1999)

Section 610.530 Private sale

If the estimated salvage values, as determined by the Department, of the abandoned production equipment are less than \$2500 per individual item of production equipment, the Department may sell and transfer control of the equipment to any interested party. Payment under term of a private sale shall be by cashier's check or money order payable to the Plugging and Restoration Fund.

(Source: Added at 23 Ill. Reg. 3421, effective MAR 8 1999)

Section 610.540 Bid sale

a) If the estimated salvage value, as determined by the Department, of the abandoned production equipment is greater than \$2500 per individual item of production equipment, the Department shall sell such equipment by means of a bid sale.

b) Vendors currently on the Department's prequalified bid list shall receive a copy of the IRB. The Department shall also notify the public by posting a notice in the State newspaper as provided in the Department of Central Management Services Standard Procurement Rules

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(44 Ill. Adm. Code 1). Any vendor, whether or not on the bid list, may, upon specific request by the vendor, receive a copy of a particular IFB.

c) The IFB shall contain the location and description of the individual well site production equipment and, if applicable, a minimum acceptable bid amount.

d) Bids shall be evaluated on the basis of the highest amount bid on the equipment.

e) After determining the best bid the Department shall negotiate a sale agreement with the vendor making such bid. Where the Department is unable to satisfactorily negotiate a sale agreement with the vendor offering the best bid, the Department may attempt to negotiate a sale agreement with the vendor offering the next best bid.

f) Payment shall be made by cashier's check or money order payable to the Plugging and Restoration Fund.

(Source: Added at 23 Ill. Reg. 014.007, effective MAR 8 1999)

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1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois

2) Code Citation: 17 Ill. Adm. Code 810

3) Section Numbers: Adopted Action:

810.37 Amendments

810.45 Amendments

810.70 Amendments

810.90 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

5) Effective Date of Amendments: March 8, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 30, 1998, 22 Ill. Reg. 20443

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Section 810.45, Forbes State Lake, lines beginning with "All Fish", "Channel Catfish" and "Large or Smallmouth Bass" are new language and were underlined.

Section 810.45, Pierce Lake, added "(14)" following "Bluegill or Redear Sunfish"

In Section 810.70, a comma was added following "1999"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Based on the results of biological surveys and subsequent data analyses, the Department has determined that

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these amendments are necessary for the maintenance and/or production of quality fisheries in State-managed waters. The amendments include defining individual site specific fishing regulations referred to by numbers listed in parentheses in Section 810.45; amending individual site specific fishing regulations by water area; identifying the 1999 dates for the Free Fishing Days event; and listing rules regarding fishing tournament permits.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the Adopted Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section

810.10 Sale of Fish and Fishing Seasons

810.20 Snagging

810.30 Pole and Line Fishing Only (Repealed)

810.35 Statewide Sportfishing Regulations - Daily Catch and Size Limits

810.37 Definitions for Site Specific Sportfishing Regulations

810.40 Daily Catch and Size Limits (Repealed)

810.45 Site Specific Water Area Regulations

810.50 Bait Fishing

810.60 Bullfrogs (Repealed)

810.70 Free Fishing Days

810.80 Emergency Protective Regulations

810.90 Fishing Tournament Permit

810.100 Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118,

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effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4709, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 5590, effective April 15, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12140, effective August 26, 1997; amended at 22 Ill. Reg. 4930, effective March 2, 1998; amended at 23 Ill. Reg. ~~5404~~, effective ~~March 8, 1998~~.

Section 810.37 Definitions for Site Specific Sportfishing Regulations

- a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area or site may extend beyond the county(ies) listed. The county(ies) listed refer to the location of the dam or outfall for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.
- b) The subsections listed below are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parenthesis which explain all of the definitions in this Section which apply to that water area.

1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that

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- they are not sold.
- 2) Possession of yellow perch under 8 inches in total length or over 10 inches in total length is prohibited. Only yellow perch 8 to 10 inches in total length may be harvested.
- 3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length. Except that sport fishermen shall be allowed to use trotlines and jugs, and except that the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.
- 5) Except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices.
- 6) Including the Fox River south of the Illinois-Wisconsin line to the McHenry Dam.
- 7) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears during May and June.
- 8) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass either singly or in the aggregate.
- 9) Catch and Release Fishing Only means that fish (all or identified species) caught must be immediately released alive and in good condition back into the water from which it came.
- 10) It shall be illegal to process trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period.
- 11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the 1st Saturday in April (both dates inclusive) which were taken during that period.
- 12) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which shall be greater than 15 inches in length and none of which shall be greater than 12 inches and less than or equal to 15 inches in length.
- 13) Except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.

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- 14) Daily catch limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.
 A) Largemouth or Smallmouth Bass
 B) Walleye, Sauger, or their hybrid
 C) Bluegill or Redear Sunfish
- 15) Daily catch limit includes white, black, or hybrid crappie either singly or in the aggregate.
- 16) Daily catch limit includes Striped Bass, White Bass and Hybrid Striped Bass either singly or in the aggregate.
- 17) Daily catch limit shall not exceed 10 fish daily, no more than 3 of which may be 17 inches or longer in length.
- 18) Except that sport fishermen shall be allowed to use trout lines, jugs and bank poles in the portions of the lake that lie north of the Davenport Bridge and northeast of the Parnell Bridge.
- 19) No fishing within 250 yards of an occupied waterfowl blind (within the hunting area) on all Department-owned or -managed sites.
- 20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up the U.S. Army Corps of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties.
- 21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), U.S. Army Corps of Engineers, Shelby and Moultrie Counties.
- 22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties.
- 23) Lake Vermillion and the portion of the North Fork of the Vermillion River between the Lake Vermillion Dam and the Interstate Water Company's Pump Station Spillway, Vermillion County Conservation District, Vermillion County.
- 24) 10 Fish Daily Creel Limit of which no more than 6 may be walleye.
- 25) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 15 inches in total length.
- 26) Lake Vermillion - Trot line and jug finishing allowed north of Boiling Springs Road.
- 27) Except that bank fishing is prohibited. Boat fishing is permitted May 1 through August 31 during the hours of 2:00 p.m. to 8:00 p.m. See site for additional regulations and exact opening and closing dates. ~~from--the next-to-last-Saturday-in April--until--the second-Sunday-in-October--during--the--hours--of 6:00-a.m.--to-10:00-a.m.--and-3:00-p.m.--to-8:00-p.m.~~

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- 28) Except that trotlines may be set within 300 feet from shore.
- 29) Except that carp, buffalo, suckers and carpsuckers may be taken by means of pitchfork and gigs (no bow and arrow devices).
- 30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the year is illegal and not permitted.
- 31) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 12 inches in total length.
- 32) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass, either singly or in the aggregate, no more than 4 of which may be 15 inches or longer in length.
- 33) It shall be unlawful to enter upon a designated waterfowl hunting area during the 7 days prior to the regular duck season, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular duck season through the end of duck and Canada goose season.
- 34) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs, or spears from May 1 through August 31.
- 35) Daily catch limit for Walleye, Sauger, or Hybrid Walleye, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be greater than 24 inches in total length and no more than 2 of which may be less than 18 inches in total length and greater than or equal to 14 inches in total length.
- 36) Except that sportfishermen may not use a minnow seine for bait collecting in Cook County Forest Preserve District Waters (except in the Des Plaines River).
- 37) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 16 inches in total length. Only 1 bass greater than 16 inches and 2 bass less than 12 inches may be taken in the creel daily.
- 38) All largemouth and smallmouth bass taken must be less than 14 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 5 bass less than 14 inches may be taken in the creel daily.
- 39) Powerton Lake shall be closed to boat traffic, except for legal waterfowl hunters, from one week prior to regular waterfowl season to February 15, and closed to all unauthorized entry during the regular Canada goose and duck season.
- 40) The 48 inch total length limit on pure muskellunge applies to that body of water listed as well any tailwaters as defined below:

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Evergreen Lake (McLean County) - including the portion of Six Mile Creek below the Evergreen Lake Dam downstream to its confluence with the Mackinaw River.

Fox Chain O' Lakes (Lake/McHenry Counties) - including those portions of the Fox River below the McHenry Dam downstream to the Route 176 Bridge and upstream to the Wisconsin - Illinois State line.

Kinkaid Lake (Jackson County) - including the portion of Kinkaid Creek below the Kinkaid Lake Dam downstream to the Route 149 Bridge.

Lake Shelbyville (Moultrie/Shelby Counties) - including the portion of the Kaskaskia River below the Lake Shelbyville Dam downstream to the State Route 128 Road Bridge near Cowden.

Lake Vermillion (Vermilion County) - including the portion of the North Fork of the Vermillion River below the Lake Vermillion Dam downstream to its confluence with the Vermillion River.

Otter Lake (Macoupin County) - including the portion of Otter Creek below Otter Lake Dam downstream to its confluence with East Otter Creek.

Pierce Lake (Winnebago County) - including the portion of Willow Creek below the Pierce Lake Dam downstream to Forest Hills Road.

Shabbona Lake (DeKalb County) - including that portion of Indian Creek below the Shabbona Lake Dam downstream to Shabbona Grove Road.

Spring Lakes (North and South) (Tazewell County) - no tailwaters. 41) It shall be unlawful to enter upon areas designated as waterfowl hunting areas during the 7 days prior to the start of the regular duck season, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 10 days prior to the start of the regular duck season through the end of duck and Canada goose season.

42) During duck season, walk-in only access for fishing from the bank is permitted after 1:00 p.m.

(Source: Amended at 23 Ill. Reg. 2434, effective MAR 8 1999)

Section 810.45 Site Specific Water Area Regulations

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Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Lincoln
Logan County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Anderson Lake Fish and Wildlife Area (33)
Fulton County

Andover Lake, City of Andover
Henry County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Apple River
Jo Daviess County

- Trout
- Spring Closed Season (11)

Apple River Basin - Special Management Zone (within the boundaries of Apple River Canyon State Park, including tributaries)

- Jo Daviess County
- All Fish
- 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Argyle Lake, Argyle Lake State Park
McDonough County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Bluegill or Redear
- 10 Fish Daily Creel Limit
- Sunfish (14)
- 6 Fish Daily Creel Limit
- Channel Catfish
- 1 Fish more than 15" and/or
- Large or Smallmouth Bass (14)
- 5 less than 12" Daily (12)
- Fall Closed Season (10)
- Trout
- 10 Fish Daily Creel Limit
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 9" Minimum Length Limit

Ashland City Reservoir, City of Ashland
Cass County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

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- Large or Smallmouth Bass - 15" Minimum Length Limit
- Ashley Reservoir, City of Ashley
Washington County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length
- Auburn Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Axehead Lake, Cook County Forest Preserve
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass (36)
Trout - 14" Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Baker Lake, City of Peru
LaSalle County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Baldwin Lake, Baldwin Lake Conservation Area
Randolph County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass (1)(5)
Striped, White, or Hybrid - 18" Minimum Length Limit
Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid - 3 Fish Daily Creel Limit
White, Black, or Hybrid - 25 Fish Daily Creel Limit
Crappie (15) - 9" Minimum Length Limit
Crappie
- Banana Lake, Lake County Forest Preserve District
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

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- Large or Smallmouth Bass - 15" Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)
Peoria/Fulton Counties
All Fish - 2 Pole and Line Fishing Only (1)(34)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
White, Black, or Hybrid
Crappie (15) - 25 Fish Daily Creel Limit
White, Black, or Hybrid - 9" Minimum Length Limit
Crappie
- Batchtown Wildlife Management Area (33)
Calhoun County
- Baumann Park Lake, City of Cherry
Valley
Winnebago County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Beall Woods Lake, Beall Woods Conservation Area
Wabash County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Trout - Spring Closed Season (11)
Trout - Fall Closed Season (10)
- Beaver Dam Lake, Beaver Dam State Park
Macoupin County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
White, Black, or Hybrid - 10 Fish Daily Creel Limit
Crappie (15)
White, Black, or Hybrid - 9" Minimum Length Limit
Crappie

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Beck Lake, Cook County Forest Preserve District
Cook County

- All Fish
 - 2 Pole and Line Fishing Only (1)(36)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
 - 18" Minimum Length Limit
- Large or Smallmouth Bass
 - 6 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
 - 18" Minimum Length Limit

Belk Park Pond, City of Wood River
Madison County

- Channel Catfish
 - 6 Fish Daily Creel Limit

Belleau Lake, Cook County Forest Preserve District
Cook County

- All Fish
 - 2 Pole and Line Fishing Only (36)
 - 14" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (36)
- Trout
 - 14" Minimum Length Limit
- Trout
 - Fall Closed Season (10)
 - Spring Closed Season (11)

Bevier Lagoon, Waukegan Park District
Lake County

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
 - 2 Pole and Line Fishing Only (1)

Bird Park Quarry, City of Kankakee
Kankakee County

- Trout
 - Fall Closed Season (10)
- Trout
 - Spring Closed Season (11)

Bowen Lake, City of Washington
Tazewell County

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 3 Fish Daily Creel Limit
- Bass (14)
 - 3 Fish Daily Creel Limit

Borah Lake, City of Olney
Richland County

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
 - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Boston Pond, Stephen A. Forbes State Park
Marion County

- Trout
 - Fall Closed Season (10)
- Trout
 - Spring Closed Season (11)

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Braidwood Lake State Fish and Wildlife Area (41)
Will County

(Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 10 days prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season)

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 17" Minimum Length Limit
- Large or Smallmouth Bass (14)
 - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid
 - 10 Fish Daily Creel Limit
- Striped Bass
 - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid
 - 10 Fish Daily Creel Limit
- Striped Bass (16)
 - 3 Fish Daily Creel Limit
- White, Black, or Hybrid
 - 10 Fish Daily Creel Limit
- Crappie (15)
 - 10 Fish Daily Creel Limit

Breeze JC's Park Pond, City of Breeze
Clinton County

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
 - 3 Fish Daily Creel Limit

Buckner City Reservoir, City of Buckner
Franklin County

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
 - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

Bullfrog Lake, Cook County Forest Preserve District
Cook County

- All Fish
 - 2 Pole and Line Fishing Only (1)(36)
 - 14" Minimum Length Limit
- Large or Smallmouth Bass
 - 8" Minimum Length Limit
- Bluegill or Redear
 - 10 Fish Daily Creel Limit
- Sunfish
 - 10 Fish Daily Creel Limit
- Bluegill or Redear
 - 10 Fish Daily Creel Limit
- Sunfish (14)
 - 10 Fish Daily Creel Limit

Bunker Hill Lake, City of Bunker Hill
Macoupin County

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish
 - 2 Pole and Line Fishing Only (1)

Burrells Wood Park Pond
White County

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Channel Catfish	- 6 Fish Daily Creel Limit
Busse Lake, Cook County Forest Preserve	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear	
Sunfish	- 8" Minimum Length Limit
Bluegill or Redear	- 10 Fish Daily Creel Limit
Sunfish (14)	- 6 Fish Daily Creel Limit
Channel Catfish	- 14" Minimum Length Limit
Large or Smallmouth Bass	
Walleye, Sauger, or Hybrid	
Walleye	- 18" Minimum Length Limit
Cache River State Natural Area (19)	
Pulaski/Johnson Counties	
Calhoun Point Wildlife Management Area (33)	
Calhoun County	
Calumet River	- 15 Fish Daily Creel Limit
Cook County	- 8" to 10" Harvest Slot Length
Yellow Perch	Limit (2) - Possession of
Yellow Perch	Yellow Perch under 8" or over 10"
	is prohibited
Yellow Perch	- Closed During June
Campbell Pond Wildlife Management Area (19)	
Jackson County	
Campus Lake - Southern Illinois University, State of Illinois	
Jackson County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Campus Pond - Eastern Illinois University, State of Illinois	
Coles County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Canton Lake, City of Canton	
Fulton County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

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Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Carbondale City Reservoir, City of Carbondale	
Jackson County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Carlinville Lake #2, City of Carlinville	
Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Carlyle Lake, U.S. Army Corps of Engineers (20) (33)	
Clinton County	
Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid	
Crappie (15)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid	
Crappie	- 10" Minimum Length Limit
Carthage Lake, City of Carthage	
Hancock County	
Channel Catfish	- 6 Fish Daily Creel Limit
Cedar Lake, U.S. Forest Service and	
City of Carbondale	
Jackson County (19)	
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	(5)
Large or Smallmouth Bass	- 14"-18" Protected Slot Length
Striped, White, or Hybrid	Limit (no possession)
Striped Bass	- 2 Fish Under 14" and 2 Fish
Striped, White, or Hybrid	Over 18" Daily Creel Limit
Striped Bass (16)	- 17" Minimum Length Limit
Centralia Foundation Park Catfish Pond, Centralia Park Foundation	
Marion County	
All Fish	- 3 Fish Daily Creel Limit
Channel Catfish	- 2 Pole and Line Fishing Only (1)
Centralia Lake, City of Centralia	
Marion County	
Large or Smallmouth Bass	- 15" Minimum Length Limit

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Cermack Quarry, Cook County Forest Preserve District
Cook County
All Fish
- 2 Pole and Line Fishing Only (1)(36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
Channel Catfish
Large or Smallmouth Bass

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and Mattis Lake), Champaign Park District
Champaign County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston
Coles County
All Fish
- 2 Pole and Line Fishing Only (1)

Charleston Side Channel Lake, City of Charleston
Coles County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Charlie Brown Lake & Pond, City of Flora
Clay County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Charter Oak North - Peoria Park District Lake, Peoria Park District
Peoria County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
Large or Smallmouth Bass (14)

Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Charter Oak South - Peoria Park District Pond, Peoria Park District
Peoria County
All Fish
Channel Catfish
2 Pole and Line Fishing Only (1)
6 Fish Daily Creel Limit

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Large or Smallmouth Bass
Large or Smallmouth Bass (14)
15" Minimum Length Limit
1 Fish Daily Creel Limit

Chauncey Marsh (19)
Lawrence County

Chicago River (including its North Branch, South Branch, and the North Shore Channel)
Cook County
Yellow Perch
Yellow Perch
- 15 Fish Daily Creel Limit
- 8" to 10" Harvest Slot Length Limit (2) - Possession of Yellow Perch Under 8" or over 10" is Prohibited
- Closed During June

Chenao City Lake, City of Chenao
McLean County
All Fish
- 2 Pole and Line Fishing Only (1)

Citizen's Lake, City of Monmouth
Warren County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass (14)
Trout

Clear Lake, Kickapoo State Park
Vermillion County
All Fish
Channel Catfish
Trout
Trout

Clinton Lake, Clinton Lake State Recreation Area (19)
Dewitt County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)

- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

- 2 Pole and Line Fishing Only (1)(18)
- 16 1/4" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17 1/2" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily

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(17) 3-Fish-Daily-Creel-Limit

White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

- 15 Fish Daily Creel Limit
- 9" Minimum Length Limit

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area

Montgomery County

Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)

- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Coles County Airport Lake, Coles County Airport

Coles County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Coleta Trout Pond, State of Illinois

Whiteside County

Trout
Trout

- Fall Closed Season (10)
- Spring Closed Season (11)

Columbus Park Lagoon, Chicago Park District

Cook County

All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Cook Co. F.P.D. Lakes, Cook County Forest Preserve District

Cook County

All Fish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

Coulterville City Lake, City of Coulterville

Randolph County

All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge - Crab Orchard Lake, U.S. Fish and

Wildlife Service (19)

Williamson County

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All Fish
Striped, White, or Hybrid
Striped Bass (16)
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)(4)
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge - Devil's Kitchen Lake, U.S. Fish and Wildlife Service (19)
Williamson County

All Fish

- 2 Pole and Line Fishing Only (1)

Crab Orchard National Wildlife Refuge - Little Grassy Lake, U.S. Fish and Wildlife Service (19)
Williamson County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service
Williamson County

All Fish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County

All Fish (30)
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
(5)
- 21" Minimum Length Limit

Crawford Co. Cons. Area - Picnic Pond, Crawford County Conservation Area
Crawford County

All Fish
Channel Catfish
Large or Smallmouth Bass
Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Crull Impoundment Wildlife Management Area (33)

Jersey County

Crystal Lake, Urbana Park District

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Champaign County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Dawson Lake & Park Ponds, Moraine View State Park

- McLean County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Walleye, Sauger, or Hybrid - 3 Fish Daily Creel Limit
 - White, Black or Hybrid Crappie - 9" Minimum Length Limit
 - White, Black or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Decatur Park Dist. Ponds, City of Decatur

- Macon County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit

Deep Pit Lake, Boone County Conservation District

- Boone County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Defiance Lake, Moraine Hills State Park

- McHenry County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Des Plaines River Basin - Special Management Zone (Hoffman Dam to 47th Street Bridge, including tributaries)

- Cook County
 - Channel Catfish - 15" Minimum Length Limit
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - Catch and Release Only - No Harvest Permitted (9)
 - Northern Pike - 30" Minimum Length Limit
 - Northern Pike - 1 Fish Daily Creel Limit
 - White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
 - Walleye, Sauger, or

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- Hybrid Walleye - 18" Minimum Length Limit
- Walleye, Sauger, or Hybrid Walleye (14) - 1 Fish Daily Creel Limit

Des Plaines River Conservation Area (19) Will County

Dog Island Wildlife Management Area (19) Pope County

Dolan Lake, Hamilton County Conservation Area Hamilton County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish - 8" Minimum Length Limit

- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Donnelley State Wildlife Area (33) Bureau County

- Douglas Park Lagoon, Chicago Park District Cook County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit

DuPage County Forest Preserve District Lakes and Ponds, DuPage County Forest Preserve District DuPage County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

DuPage River - West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)

- DuPage County
 - Large or Smallmouth Bass - Catch and Release Fishing Only (9)

East Fork Lake, City of Olney

- Richland County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit

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- White, Black, or Hybrid
Crappie (15)
- 25 Fish Daily Creel Limit
- Eldon Hazlet State Park (19) (See Also Carlyle Lake)
Clinton County
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Elliott Lake, Wheaton Park District
DuPage County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Evergreen Lake, City of Bloomington
McLean County
All Fish
Large or Smallmouth Bass
Pure Muskellunge
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 48" Minimum Length Limit (40)
- 25 Fish Daily Creel Limit
- Faries Park Pond, City of Decatur
Macon County
Trout
- Fall Closed Season (10)
- Ferne Clyffe Lake, Ferne Clyffe State Park
Johnson County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Flatfoot Lake, Cook County Forest Preserve District
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Foli Park Pond, Village of Plano
Kendall County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Forbes State Lake, Stephen A. Forbes State Park
Marion County
All Fish
Bluegill or Redear
Sunfish
Bluegill or Redear
- 2 Pole and Line Fishing Only (1)(5)
- 8" Minimum Length Limit

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- Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Forbes State Park Ponds, Stephen A. Forbes State Park
Marion County
All Fish
Channel Catfish
Large or Smallmouth Bass
Forest Park Lagoon, City of Shelbyville
Shelby County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Fort de Chartres Historic Site (19)
Randolph County
- Four Lakes, Winnebago County Forest Preserve
Winnebago County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the McHenry Dam) (6) (Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only (19)), State of Illinois
Lake and McHenry Counties
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- 48" Minimum Length Limit (40)
- 14" Minimum Length Limit with an 18-24" Protected Slot Length Limit (no possession) (6)
- 2 Fish >or=14" and <18" &/or 1 Fish >24" Daily Creel Limit (35)

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Fox Ridge State Park (19)
Coles County

Fox River Basin - Special Management Zone (North Aurora Dam
to Montgomery Dam, including tributaries)

Kane County
Large or Smallmouth Bass - 14" Minimum Length Limit

Fox River Basin - Special Management Zone (South Elgin Dam to North Aurora
Dam, including tributaries)

Kane County
Large or Smallmouth Bass - Catch and Release Only -
No Harvest Permitted (9)

Frank Holten Lakes, Frank Holten State Park

St. Clair County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)

Lee County

All Fish - 2 Pole and Line Fishing Only (1)(9)

Fuller Lake (19)

Calhoun County

Fulton County Camping and Recreation Area Waters, Fulton County Board

Fulton County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12"-15" Protected Slot Length
Limit (no possession)
Large or Smallmouth Bass - 3 Fish Daily Creel Limit

Bass (14)

Blue gill or Redear

Sunfish (14)

- 25 Fish Daily Creel Limit

Gages Lake, Wildwood Park District

Lake County

All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid Walleye - 3 Fish Daily Creel Limit

- 16" Minimum Length Limit

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NOTICE OF ADOPTED AMENDMENTS

Gale Lake, Village of East Galesburg

Knox County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Garfield Park Lagoon, Chicago Park District

Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Gebhard Woods Ponds, Gebhard Woods State Park

Grundy County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

Giant City Park Ponds, Giant City State Park

Jackson and Union Counties

Largemouth and Spotted Bass - 15" Minimum Length Limit

Gillespie New City Lake, City of Gillespie

Macoupin County

Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie

Macoupin County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Glades - 12 Mile Island Wildlife Management Area (33)

Jersey County

Gladstone Lake, Henderson County Conservation Area

Henderson County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Glen Oak Park Lagoon, Peoria Park District

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Peoria County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Glen Shoals Lake, City of Hillsboro
Montgomery County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Godar-Diamond/Hurricane Island Wildlife Management Area (33)
Calhoun County
- Gompers Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Gordon F. More Park Lake, City of Alton
Madison County
All Fish
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Limit
- Governor Bond Lake, City of Greenville
Bond County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Grayslake Park District (Grayslake and Park Ponds)
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth
Bass (14)
- 3 Fish Daily Creel Limit
- Greenfield City Lake, City of Greenfield
Greene County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12"-15" Protected Slot Length Limit (no possession)
- 5 Fish Under 12" and 1 Fish Over 15" Daily Creel Limit
- Greenville Old City Lake, City of Greenville
Bond County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Harrisburg New City Reservoir, City of Harrisburg
Saline County
All Fish
Channel Catfish
Striped, White, or Hybrid
Striped Bass
Hybrid Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Harrisburg Holding Pits North and South, City of Harrisburg
Saline County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County (41)
(Heidecke Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season)
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- Walleye, Sauger, or Hybrid
Walleye
- 22" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Walleye, Sauger, or Hybrid
Walleye (14)

- 3 Fish Daily Creel Limit

Helmhold Slough (19)

Calhoun County

Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park

Multiple Counties

All Fish

- 2 Pole and Line Fishing
Only (1)(13)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Hidden Springs State Forest Ponds, Hidden Springs State Forest

Shelby County

All Fish

- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit

Highland Old City Lake, City of Highland

Madison County

All Fish

Channel Catfish

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

Hillsboro Old City Lake, City of Hillsboro

Montgomery County

All Fish

Channel Catfish

Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Homer Lake, Champaign County Forest Preserve District

Champaign County

All Fish

Bluegill or Redear

Sunfish

Bluegill or Redear

Sunfish (14)

Channel Catfish

Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 8" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Hornel Pond, Donnelly State Fish and Wildlife Area

Bureau County

All Fish

- 2 Pole and Line Fishing

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Channel Catfish
Large or Smallmouth Bass

- Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area

Alexander County

(Only trolling motors in refuge from October 5-March 1)

- All Fish
- 2 Pole and Line Fishing Only (1)

Channel Catfish

Large or Smallmouth Bass

- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Horseshoe Lake-Madison County, Horseshoe Lake State Park (33)

Madison County

All Fish

- 2 Pole and Line Fishing Only
(1)(28)(34)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- White, Black or Hybrid Crappie (15)
- 25 Fish Daily Creel Limit

Horton Lake, Nauvoo State Park

Hancock County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Hulit Park Big Lake, Canton Park District

Fulton County

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth

Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Humbolt Park Lagoon, Chicago Park District

Cook County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois & Michigan Canal, State of Illinois

Grundy/LaSalle/Will Counties

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois Beach State Park Ponds, Illinois Beach State Park

Lake County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Illinois Department of Transportation Lake, State of Illinois

Sangamon County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Illinois River - Pool 26 (19)

Calhoun County

Indian Boundary South Pond, Frankfort Square Park District

Will County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District

Cook County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jacksonville Lake, City of JacksonvilleMorgan CountyBluegill or RedearSunfishBluegill or RedearSunfish (14)

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park

Henry County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Jones Park Lake, City of East St. Louis

St. Clair County

- All Fish
- Channel Catfish
- Trout
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Jones State Lake, Saline County Conservation Area

Saline County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14"-18" Protected Slot Length Limit (no possession) (38)
- 5 Fish under 14" and 1 Fish

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

over 18" Daily Creel Limit

Jones Lake Trout Pond, Saline County Conservation Area

Saline County

- Trout
- Fall Closed Season (10)

Jubilee College State Park Ponds,

Jubilee College State Park

Peoria County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Kankakee River Basin - Special Management Zone (Wilmington Dam to the Mouth of the Kankakee River, including tributaries)

Will/Grundy Counties

- Large or Smallmouth Bass
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 12" - 16" Protected Slot Length Limit (no possession) (37)
- 1 Fish over 16" and 2 Fish under 12" Daily Creel Limit

Kankakee River Basin - Special Management Zone (Kankakee Dam to the Wilmington Dam, including tributaries)

Kankakee/Will Counties

- Large or Smallmouth Bass
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (9)

Kankakee River State Park (19)

Kankakee/Will Counties

Kaskaskia River Fish and Wildlife Area (19)

St. Clair/Randolph/Monroe Counties

Kaskaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area (33)

St. Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District

Kendall County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kent Creek	
Winnebago County	
Trout	- Spring Closed Season (11)
Kickapoo State Park Lakes & Ponds, Kickapoo State Park	
Vermilion County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large of Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Kincaid City Reservoir, City of Kinkaid	
Christian County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Kincaid Lake, Kincaid Lake State Fish and Wildlife Area (19)	
Jackson County	
Large or Smallmouth Bass	- 16" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
Kinmundy Reservoir, City of Kinmundy	
Marion County	
All Fish	- 2 Pole and Line Fishing Only (1)(5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Lake Atwood, McHenry County Conservation District	
McHenry County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)
Lake Bloomington, City of Bloomington	
McLean County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear	- 8" Minimum Length Limit
Sunfish	- 10 Fish Daily Creel Limit
Bluegill or Redear	- 15" Minimum Length Limit
Sunfish (14)	
Large or Smallmouth Bass	
Striped, White, or Hybrid	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass (16)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid	
Crappie (15)	- 25 Fish Daily Creel Limit
Lake Carlton, Morrison-Rockwood State Park	
Whiteside County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
White, Black, or Hybrid	
Crappie (15)	- 25 Fish Daily Creel Limit
Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District	
Lake County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Lake Decatur, City of Decatur	
Macon County	
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Lake Depue Fish and Wildlife Area (33)	
Bureau County	
Lake Eureka, City of Eureka	
Woodford County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Lake George, Loud Thunder Forest Preserve	
Rock Island County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
White, Black, or Hybrid	
Crappie (15)	- 25 Fish Daily Creel Limit
Lake Jacksonville, City of Jacksonville	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Morgan County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Channel Catfish
 - 17" Minimum Length Limit
 - Large or Smallmouth Bass
 - 3 Fish Daily Creel Limit
 - Striped, White, or Hybrid
 - 25 Fish Daily Creel Limit
 - Striped Bass
 - 9" Minimum Length Limit
 - Striped, White, or Hybrid
 - 10 Fish Daily Creel Limit
 - White, Black, or Hybrid
 - 25 Fish Daily Creel Limit
 - Crappie
 - 9" Minimum Length Limit
 - Crappie

Lake Kakusha, City of Mendota

- LaSalle County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear
 - 8" Minimum Length Limit
 - Sunfish
 - 10 Fish Daily Creel Limit
 - Bluegill or Redear Sunfish (14)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Channel Catfish
 - 3 Fish Daily Creel Limit
 - Large or Smallmouth Bass
 - 10 Fish Daily Creel Limit
 - Large or Smallmouth Bass (14)
 - 10 Fish Daily Creel Limit
 - White, Black, or Hybrid
 - 10 Fish Daily Creel Limit
 - Crappie (15)

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

- Stephenson County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear-Sunfish-(14)
 - 10 Fish Daily Creel Limit
 - Channel Catfish
 - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass (14)
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - White, Black, or Hybrid
 - 10 Fish Daily Creel Limit
 - Crappie (15)

Lake Mendota, City of Mendota

- LaSalle County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish >or=15" &/or 2 < 12" Daily (31)
 - Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - Large or Smallmouth Bass (14)
 - 1 Fish >or=15" &/or 2 < 12" Daily (31)

Lake Michigan (Illinois Portion), State of Illinois

- Lake/Cook Counties
- Trout and Salmon
 - 10" Minimum Length Limit
 - Trout and Salmon
 - no more than 5 fish of any one species daily, except for Lake Trout

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Lake Trout
 - 2 Fish Daily Creel Limit
- Yellow Perch
 - 15 Fish Daily Creel Limit
 - 8" to 10" Harvest Slot Length Limit (2) - Possession of Yellow Perch Under 8" or over 10" is prohibited; Taking of yellow perch from charter boats is prohibited
- Yellow Perch
 - Closed During June
- Large or Smallmouth Bass (14)
 - Catch and Release Fishing Only (no possession) (9)

Lake Milliken, Des Plaines Conservation Area

- Will County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - Channel Catfish
 - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass
 - 15" Minimum Length Limit
 - Trout
 - Spring Closed Season (11)

Lake Mingo & Kennekuk Cove Park Ponds, Vermillion County Conservation Area

- Vermillion County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear-Sunfish-(14)
 - 25 Fish Daily Creel Limit
 - Channel Catfish
 - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass
 - 15" Minimum Length Limit

Lake Murphysboro, Lake Murphysboro State Park

- Jackson County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - Bluegill or Redear-Sunfish-(14)
 - 25 Fish Daily Creel Limit
 - Channel Catfish
 - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass (14)
 - 3 Fish Daily Creel Limit

Lake Nellie, City of St. Elmo

- Fayette County
- All Fish
 - 2 Pole and Line Fishing Only (1)(5)
 - Channel Catfish
 - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass (14)
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Large or Smallmouth Bass
 - 17" Minimum Length Limit
 - Striped-White-or-Hybrid
 - 3 Fish Daily Creel Limit
 - Striped-Bass
 - 17" Minimum Length Limit
 - Striped-White-or-Hybrid
 - 3 Fish Daily Creel Limit
 - Striped-Bass-(16)

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District
Champaign County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- All Fish
Bluegill or Redear
Sunfish
Bluegill or Redear
Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Trout
- 2 Pole and Line Fishing Only (1)
 - 8" Minimum Length Limit
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Spring Closed Season (11)

Lake Olson, Rock Cut State Park

Winnebago County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Lake Owen, Hazel Crest Park District

Cook County

- All Fish
 Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lake Paradise, City of Mattoon

Coles County

- All Fish
 Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon

Coles County

- All Fish
 Large or Smallmouth Bass
 Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 6 Fish Daily Creel Limit

Lake Sara, City of Effingham

Effingham County

- Large or Smallmouth Bass
 White, Black, or Hybrid
 Crappie (15)
- 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers

Moultrie/Shelby Counties

- (During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.)
- Large or Smallmouth Bass
 Pure Muskellunge
 White, Black, or Hybrid
 Crappie (15)
- 14" Minimum Length Limit
 - 48" Minimum Length Limit (40)
 - 10 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- White, Black, or Hybrid
 Crappie
- 10" Minimum Length Limit

Lake Shelbyville - Project Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area (33)
 Moultrie/Shelby Counties

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 White, Black, or Hybrid
 Crappie
 White, Black, or Hybrid
 Crappie (15)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 10" Minimum Length Limit
 - 10 Fish Daily Creel Limit

Lake Sinnissippi (19)
 Whiteside County

Lake Springfield, City of Springfield

Sangamon County

- All Fish
 Large or Smallmouth Bass
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid
 Crappie
- 2 Pole and Line Fishing Only (1)
 - 15" minimum Length Limit
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Lake Storey, City of Galesburg

Knox County

- All Fish
 Bluegill or Redear Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Walleye, Sauger, or Hybrid
 Walleye (14)
- 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
 - 3 Fish Daily Creel Limit

Lake Strini, Village of Romeoville

Will County

- All Fish
 Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District

Ogle County

- All Fish
 Bluegill or Redear
 Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 5 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Pure Muskellunge
- White, Black or Hybrid
- Crappie (15)

Lake Taylorville, City of Taylorville
Christian County

- Large or Smallmouth Bass
- White, Black, or Hybrid
- Crappie
- White, Black, or Hybrid
- Crappie (15)

Lake Vandalia, City of Vandalia
Fayette County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Vermillion, Vermillion County Conservation District
Vermillion County

- All Fish
- Large or Smallmouth Bass
- Pure Muskellunge
- White, Black, or Hybrid
- Crappie
- White, Black, or Hybrid
- Crappie (15)
- 2 Pole and Line Fishing Only (26)
- 15" Minimum Length Limit (23)
- 48" Minimum Length Limit (40)
- 9" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Victoria, City of South Beloit
Winnebago County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Lake Williamsville, City of Williamsville
Sangamon County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

LaSalle Lake, LaSalle Power Station
LaSalle County

- All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 10 Creel/3 Fish 17" or Longer
- Daily (17)

Levings Lake, Rockford Park District
Winnebago County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site
Coles County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Lincoln Park North Lagoon, Chicago Park District
Cook County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District
Cook County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park
Clark County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Little Black Slough, Little Black Slough State Natural Area
Johnson County

- All Fish
- All Fish
- No Seines
- 2 Pole and Line Fishing Only (1)

Little Sister Lake, County of Fulton
Fulton County

- All Fish
- Bluegill or Redear Sunfish (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Little Vermilion River Basin - Special Management Zone (river mainstem and tributaries)
 LaSalle County Large or Smallmouth Bass - Catch and Release Only Season No Harvest May 1 through June 15 (9)

Lou Yeager Lake, City of Litchfield
 Montgomery County Large or Smallmouth Bass - 15" minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Loami Reservoir, City of Loami
 Sangamon County All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Lower Cache River, Lower Cache River State Natural Area
 Pulaski/Johnson Counties All Fish - 2 Pole and Line Fishing Only (1)
 All Fish - No Seines

Lyerla Lake, Union County Conservation Area
 Union County All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Macon County Conservation District
 Ponds, Macon County Conservation District
 Macon County All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Maple Lake, Cook County Forest Preserve District
 Cook County All Fish - 2 Pole and Line Fishing Only (1)(36)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Marissa City Lake, City of Marissa
 St. Clair County Channel Catfish - 6 Fish Daily Creel Limit

Marquette Park Lagoon, Chicago Park District
 Cook County All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area (33)
 Marshall County All Fish - 2 Pole and Line Fishing Only (1)

Marshall County Conservation Area - Sparland Unit (19)
 Marshall County

Mascoutah Reservoir, City of Mascoutah
 St. Clair County All Fish - 2 Pole and Line Fishing Only (1)
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Massac County Fairgrounds Pond, State of Illinois
 Massac County Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Matthiessen Lake, Matthiessen State Park
 LaSalle County All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Mattoon Lake, City of Mattoon
 Coles County All Fish - 2 Pole and Line Fishing Only (1)
 Large or Smallmouth Bass - 14" Minimum Length Limit

Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area
 Bureau County All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mauvaise Terre/Morgan Lake, City of Jacksonville

Morgan County
Large or Smallmouth Bass - 15" Minimum Length Limit

Mazonia Lakes & Ponds, Mazonia State Fish and Wildlife Area (33)

Grundy County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

McCullom Lake, City of McHenry

McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

McKinley Park Lagoon, Chicago Park District

Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

McLeansboro City Lakes, City of McLeansboro

Hamilton County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Meredosia Lake - Cass County Portion Only (meandered waters only) (33)

Cass County

Meredosia Lake - Cass County Portion

Cass County
(Meandered waters only) (All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mermet State Lake, Mermet Lake Conservation Area (33)

Massac County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

All Fish - 2 Pole and Line Fishing Only (1)
(5)

Bluegill or Redear

Sunfish - 8" Minimum Length Limit

Bluegill or Redear

Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve

Champaign County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Middle Fork of the Vermillion River, Kickapoo State Park and Middle Fork Fish and Wildlife Area

Vermillion County
All Fish - 2 Pole and Line Fishing Only (1)

Middle Fork of the Vermillion River Basin - Special Management Zone (river mainstem and tributaries)

Vermillion/Champaign/Ford Counties
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass - Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (9)

Mill Creek Lake, Clark County Park District

Clark County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Mill Pond, Pearl City Park District

Stephenson County

All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Mill Race Ponds, Belvidere Park District

Boone County
Trout - Spring Closed Season (11)

Miller Park Lake, City of Bloomington

McLean County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Norris City Reservoir, City of Norris City

- White County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

North Marcum Campground Pond, U.S. Army Corps of Engineers

- Franklin County
 Recreational Use Restrictions
 - Fishing permitted only by persons under 16 years of age
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Oakford Conservation Area (Menard County) (19)
Menard CountyOakland City Lake, City Lake, City of Oakland

- Coles County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Oblong Lake, City of Oblong

- Crawford County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Ohio River (between Illinois & Kentucky), State of Illinois
Multiple Counties (19)

- Large or Smallmouth Bass
 Northern Pike
 Muskie or Tiger Muskie
 Muskie or Tiger Muskie
 Walleye, Sauger, or Hybrid
 Walleye (14)
 White, Black, or Hybrid
 Crappie (15)
 Striped, White, Yellow or Hybrid
 Striped Bass
 - 12" Minimum Length Limit
 - No Length or Creel Limit
 - 2 Fish Daily Creel Limit
 - 30" Minimum Length Limit
 - 10 Fish Daily Creel Limit
 - 30 Fish Daily Creel Limit
 - 30 Creel/4 Fish 15" or Longer Daily (32)

Ohio River-Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19)
Multiple Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large and Smallmouth Bass

- 12" Minimum Length Limit
 Omaha City Reservoir, City of Omaha
 Gallatin County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Otter Lake, Otter Lake Water Commission
Macoupin County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Bass (14)
 Striped-Whitey-or-Hybrid
 Striped-Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 --17"-Minimum-Length-Limit
 --3-Fish-Daily-Creel-Limit
 - 10 Creel/3 Fish 17" or Longer Daily (17)

Pure MuskellungePalmyra-Modesto Water Commission Lake, Palmyra/Modesto Water Commission
Macoupin County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Pana Lake, City of Pana

- Shelby and Christian Counties
 All Fish
 Bluegill or Redear
 Sunfish
 Bluegill or Redear
 Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 8" Minimum Length Limit
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Paris East & West Lakes, City of Paris

- Edgar County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area
St. Clair County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid Crappie
 - 2 Pole and Line Fishing Only (1)
 (34)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit
- Pekin Lake (19)
 Tazewell County
- Perry Farm Pond, Bourbonnais Park District
 Kankakee County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Piasa (19)
 Madison/Jersey Counties
- Pierce Lake, Rock Cut State Park
 Winnebago County
 All Fish
 - 2 Pole and Line Fishing Only
 (1)(7)
 - 8" Minimum Length Limit
- Bluegill or Redear
 Sunfish
 Bluegill or Redear
 Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass (14)
 Large or Smallmouth Bass
 Pure Muskellunge
 White, Black, or Hybrid
 Crappie (15)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 48" Minimum Length Limit (40)
 - 25 Fish Daily Creel Limit
- Pike County Conservation Area (19)
 Pike County
- Pickneyville Lake, City of Pickneyville
 Perry County
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 18" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- Pine Creek
 Ogle County
 Trout
 - Spring Closed Season (11)
- Pine Creek (within the boundaries of White Pines Forest State Park)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Ogle County
 All Fish
 Trout
 - 2 Pole and Line Fishing Only (1)
 - Spring Closed Season (11)
- Pine Lake, Village of University Park
 Will County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Piscasaw Creek
 McHenry County
 Trout
 Trout
 - 9" Minimum Length Limit
 - Spring Closed Season (11)
- Pittsfield City Lake, City of Pittsfield
 Pike County
 All Fish
 Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 White, Black, or Hybrid
 Crappie
 - 2 Pole and Line
 Fishing Only (1)(7)
 - 14" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 9" Minimum Length Limit
- Pocahontas Park Pond, City of Pocahontas
 Bond County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Powerton Lake, Powerton Lake Fish and Wildlife Area (39)
 Tazewell County
 (Powerton Lake shall be closed to boat traffic except for legal waterfowl hunters from one week prior to regular waterfowl season to February 15, and closed to all unauthorized entry during the regular Canada goose and duck season)
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Striped, White, or Hybrid
 Striped Bass (16)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 18" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - 10 Creel/3 Fish 17" or Longer
 Daily (17)
 - 3 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
 Walleye (14)
 Walleye, Sauger, or Hybrid
 Walleye
 - 18" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Prospect Pond, City of Moline
Rock Island County

Trout - Fall Closed Season (10)

Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Ramsey Lake, Ramsey Lake State Park
Fayette County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie - 9" Minimum Length Limit

Ramsey Lake State Park Ponds, Ramsey Lake State Park
Fayette County

Large or Smallmouth Bass - 14" Minimum Length Limit

Randolph County Lake, Randolph County Conservation Area
Randolph County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Trout - Fall Closed Season (10)

Red Hills Lake, Red Hills State Park
Lawrence County

All Fish - 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish - 8" Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Red's Landing Wildlife Management Area (19)
Calhoun County

(Walk-in area closed to trespassing 7 days prior to duck season)

Redwing Slough/Deer Lake (33)
Lake County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Rend Lake, U.S. Army Corps of Engineers (22) (33)
Franklin County

See kids only fishing regulations for North Marcum Campground Pond
Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, Yellow, or Hybrid Striped Bass (8) - 10 Creel/3 Fish 17" or Longer Daily (17)

Rend Lake Project Pond, U.S. Army Corps of Engineers
Franklin County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Rice Lake Fish and Wildlife Area (33)
Fulton County

Ridge Lake, Fox Ridge State Park
Coles County

(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 14" Minimum Length Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Ris Park Lagoon, Chicago Park District
Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Riprap Landing (19)
Calhoun County

Riverside Park Lagoon, Moline Park District
Rock Island County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Rock Creek, State of Illinois
Kankakee County

Trout - Spring Closed Season (11)

Rock River Basin - Special Management Zone (Fordam Dam to Oregon Dam, including tributaries)

Ogle/Winnebago Counties
Large or Smallmouth Bass - 12" - 16" Protected Slot Length

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Limit (no possession) (37)
 - 1 Fish over 16" and 2 Fish under 12" Daily Creel Limit
- Large or Smallmouth Bass (14)
- Rock River Basin - Special Management Zone (from Oregon Dam to State Route 2 Highway Bridge at Grand Detour, including all tributaries)
 Ogle County
 Large or Smallmouth Bass - Catch and Release Fishing Only (9)
- Rock Springs Bike Trail Pond, Macon County Conservation District
 Macon County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 1 Fish Daily Creel Limit
- Rock Springs Pond, Macon County Conservation District
 Macon County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Spring Closed Season (11)
- Roodhouse Park Lake, City of Roodhouse
 Green County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- Route 154 Day Use Pond, State of Illinois
 Randolph County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- St. Elmo South Lake, City of St. Elmo
 Fayette County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Salem Reservoir, City of Salem
 Marion County
 All Fish
 - 2 Pole and Line Fishing Only (1)(5)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish
 Large or Smallmouth Bass
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Sam Dale Lake, Sam Dale Conservation Area
 Wayne County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Sam Dale Trout Pond, Sam Dale Conservation Area
 Wayne County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Trout
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Sam Parr Lake, Sam Parr State Park
 Jasper County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Sand Lake, Illinois Beach State Park
 Lake County
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Trout
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Sandy Creek Basin - Special Management Zone (river mainstem and tributaries)
 Marshall County
 Large or Smallmouth Bass
 - Catch and Release Only Season - No Harvest May 1 through June 15 (9)
- Sanganois Conservation Area (33)(42)
 Mason/Cass/Schuyler/Menard Counties
 Sangchris Lake, Sangchris Lake State Park
 Christian/Sangamon Counties
 (Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- season)
All Fish
- 2 Pole and Line Fishing Only (1)
(34)
- 15" Minimum Length Limit
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 9" Minimum Length Limit
Sangchris Lake Park Ponds, Sangchris Lake State Park
Sangamon County
All Fish
- 2 Pole and Line Fishing Only (1)
- Schiller Pond, Cook County Forest Preserve District
Cook County
All Fish
- 2 Pole and Line Fishing Only (1)
(36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
Channel Catfish
Large or Smallmouth Bass
- 9" Minimum Length Limit
- Schuy-Rush Lake, City of Rushville
Schuyler County
White, Black, or Hybrid
Crappie
- 9" Minimum Length Limit
- Senior Citizen's Pond, Kankakee River State Park
Kankakee County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
- Shabbona Lake, Shabbona Lake State Park
DeKalb County
All Fish
- 2 Pole and Line Fishing Only (1)(71)
- 10 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 10 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service
Multiple Counties
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S.
Forest Service
Pope County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
Largemouth, Smallmouth and
Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Dutchman Lake, U.S. Forest Service
Johnson County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Lake Glendale, U.S. Forest Service
Pope County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Little Cache #1, U.S. Forest Service
Johnson County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Little Cedar Lake, U.S. Forest Service
Jackson County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
Pope County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Channel Catfish
Largemouth, Smallmouth or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Spotted Bass
- 15" Minimum Length Limit
- Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
Gallatin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
Hardin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Turkey Bayou, U.S. Forest Service
Jackson County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service
Hardin County
All Fish
Channel Catfish
Largemouth, Smallmouth or
Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Sherman Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Siloam Springs Lake, Siloam Springs State Park
Adams County
All Fish
Channel Catfish
Largemouth, Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- Fall Closed Season (10)
- Spring Closed Season (11)
- Silver Lake, DuPage County Forest Preserve District
DuPage County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Larger or Smallmouth Bass
Large or Smallmouth
Bass (14)
Trout
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Spring Closed Season (11)
- Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Park
Kendall County
All Fish
Channel Catfish
Large or Smallmouth Bass
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Site M, All Lakes and Ponds, Site M Conservation Area
Cass County
All Fish
Bluegill or Redear
Sunfish
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 8" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Site M, Gurney Road Pond Highway-ii-Pond, Site M Conservation Area
Cass County
All Fish
Bluegill or Redear
Sunfish
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
Trout
- 2 Pole and Line Fishing Only (1)
- 8" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Spring Closed Season (11)
- Skokie Lagoons, Cook County Forest Preserve District
Cook County
All Fish
Large or Smallmouth Bass
Walleye
- 2 Pole and Line Fishing Only (1)
(36)
- 14" Minimum Length Limit
- 18" Minimum Length Limit
- Small pit Pond, Boone County Conservation District
Boone County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area
Knox County
(All use other than waterfowl hunting prohibited from October 1 through the end of the Canada goose season)
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye (14)
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 36" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 5 Fish Daily Creel Limit
- Sparta City Lakes, City of Sparta
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Sparta "T" Lake, City of Sparta
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 10 Fish Daily Creel Limit
- Spencer Lake, Boone County Conservation District
Boone County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Spring Lake, City of Macomb
McDonough County
All Fish
Channel Catfish
- 2 Pole & Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

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- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1) (5)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Spring Lakes (North & South), Spring Lake Conservation Area (33)
Tazewell County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Pure Muskellunge
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1) (7)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit
- 48" Minimum Length Limit (40)
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Spring Pond, Flaggs-Rochelle Park District
Ogle County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Starved Rock State Park (19)
LaSalle County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Staunton City Lake, City of Staunton
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Stephen A. Forbes State Park (19)
Marion County
All Fish
Channel Catfish
- 2 Pole & Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Sterling Lake, Lake County Forest Preserve District
Lake County
All Fish
Channel Catfish
- 2 Pole & Line Fishing Only (1)
- 6 Fish Daily Creel Limit

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- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 36" Minimum Length Limit

Storm Lake, DeKalb Park District

DeKalb County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Stump Lake Wildlife Management Area (33)

Jersey County

Tampier Lake, Cook County Forest Preserve District

Cook County

- All Fish
- 2 Pole and Line Fishing Only (36)

Bluegill or RedearSunfishBluegill or RedearSunfish (14)

- Channel Catfish
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit

Walleye, Sauger, or Hybrid

Walleye

Taylorville Park District Pond, Taylorville Park District

Christian County

- All Fish
- 2 Pole and Line Fishing Only (1)

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area

Hamilton/Jefferson Counties (19)

(Areas designated as refuge are closed to all access during the Canada goose season)

All Fish

- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Large or Smallmouth Bass

Tilton City Lake, City of Tilton

Toledo Reservoir, City of Toledo

Cumberland County

All Fish

- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Vermillion County

DEPARTMENT OF NATURAL RESOURCES

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- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit

Tomahawk Lake, Moraine Hills State Park

McHenry County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

Turkey Bluff Ponds, State of Illinois

Randolph County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit

Turner Lake, Chain O'Lakes State Park

Lake County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass

Tuscola City Lake, City of Tuscola

Douglas County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Large or Smallmouth Bass

Union County Conservation Area

Union County

(All fishing and boat traffic prohibited October 15-March 1)

Valley Lake, Wildwood Park District

Lake County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)

Valmeyer Lake, City of Valmeyer

Monroe County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Large or Smallmouth Bass

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- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Vanhorn Woods Pond, Plainfield Park District
Will County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Vernor Lake, City of Olney
Richland County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
- Villa Grove East Lake, City of Villa Grove
Douglas County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
- Villa Grove West Lake, City of Villa Grove
Douglas County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Trout - Fall Closed Season (10)
- Virginia City Reservoir, City of Virginia
Cass County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
- Waddams Creek
Stephenson County
Trout - Spring Closed Season (11)
- Walnut Point Lake, Walnut Point State Fish and Wildlife Area
Douglas County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear - 8" Minimum Length Limit
Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit

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- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Walton Park Lake, City of Litchfield
Montgomery County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear - 8" Minimum Length Limit
Sunfish - 10 Fish Daily Creel Limit
Bluegill or Redear - 6 Fish Daily Creel Limit
Sunfish (14) - 15" Minimum Length Limit
Channel Catfish - 3 Fish Daily Creel Limit
Large or Smallmouth Bass
Bass (14)
- Wampum Lake, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)(36)
Bluegill or Redear - Catch and Release Only (9)
Sunfish - 14" Minimum Length Limit
Large or Smallmouth Bass
- Warrior Lake, Moraine Hills State Park
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Washington County Lake, Washington County Conservation Area
Washington County
All Fish - 2 Pole and Line Fishing Only (1)(5)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, or Hybrid - 17" Minimum Length Limit
Striped Bass - 3 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass (16)
- Washington Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Washington Park Pond, Springfield Park District
Sangamon County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

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Channel Catfish - 6 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Waverly Lake, City of Waverly

Morgan County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit

Weinberg-King Pond, Weinberg-King State Park

Schuyler County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Weldon Springs Lake, Weldon Springs State Park

Dewitt County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

West Frankfort New City Lake, City of West Frankfort

Franklin County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

West Frankfort Old City Lake, City of West Frankfort

Franklin County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

West Salem Reservoir, City of West Salem

Edwards County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

White Hall City Lake, City of White Hall

Greene County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

White Oaks Lake, City of Bloomington

McLean County
 All Fish - 2 Pole and Line Fishing Only (1)
 Large or Smallmouth Bass - 15" Minimum Length Limit

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Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Wilderness Lake, Moraine Hills State Park

McHenry County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Wilderness Pond, Fox Ridge State Park

Coles County
 (Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
 All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear

Sunfish (14)

Channel Catfish - 5 Fish Daily Creel Limit
 Large or Smallmouth Bass - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Bass (14) - 1 Fish Daily Creel Limit

William W. Powers Conservation Area (33)

Cook County

Willow Lake, Peabody River King State Conservation Area

St. Clair County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 White, Black, or Hybrid - 25 Fish Daily Creel Limit
 Crappie - 9" Minimum Length Limit
 White, Black, or Hybrid - Fall Closed Season (10)
 Trout

Wolf Lake, William W. Powers Conservation Area (33)

Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Woodford Co. Cons. Area (Fishing Ditch), Woodford County (33)

Conservation Area
 Woodford County
 All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

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Woodlawn Pond, Frankfort Square Park District

- Will County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Wyman Lake, City of Sullivan

- Moultrie County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Spring Closed Season (11)

Yellow Creek

- Stephenson County
- Trout
 - Spring Closed Season (11)

(Source: Amended at 23 Ill. Reg. 3434, effective MAR 8 1999)

Section 810.70 Free Fishing Days

During the period of June 11, 12, 13, 14, 1999 57-67-77-and-87-1998, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license, salmon stamp or inland trout stamp.

(Source: Amended MAR 8 1999 23 Ill. Reg. 3434, effective MAR 8 1999)

Section 810.90 Fishing Tournament Permit

- a) A fishing tournament permit from the Department of Natural Resources is needed if:
- 1) Prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site; or
 - 2) The fishing event is conducted over a period of more than 5 days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site; or
 - 3) Special exemption to the site specific regulations for daily creel and size limit (not exceed the statewide statutory limits) is requested for:

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- A) catch, hold for weigh-in, and release tournaments for muskies (all waters), or smallmouth bass (Lake Michigan and streams only - except that the Mississippi, Ohio and Wabash Rivers are not eligible for permits which exempt participants from site specific daily catch and size limits); and
- B) special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.
- b) Requests for a permit shall be made on applications provided by the Department of Natural Resources, Division of Fisheries, at least 60 days prior to the first tournament date.
- c) Issuance or denial of a permit shall be based upon the following criteria:

- 1) The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.
- 2) The location of the tournament; catch and release management zones on streams are not eligible for permits.
- 3) The Mississippi, Wabash, and Ohio are not eligible for permits which exempt participants from daily catch and size limits for smallmouth bass.
- 4) The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the Department of Natural Resources to issue the permit. Specific items to be considered include:
 - A) biological status of the fish population, including the species sought;
 - B) length of the tournament;
 - C) number of boats and anglers participating in the tournament;
 - D) for tagged fish tournaments, provisions for obtaining and tagging targeted fish species; and
 - E) safety of anglers and potential boater-user conflicts.
- 5) Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:
 - A) Tournament officials must be able to certify that all boats will be required to possess a livewell (except muskie fishing tournaments) measuring at least 18" long, 12" deep, and 12" wide and be fitted with a functioning aerator and water pump.
 - B) Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat or vehicle, or by individual boats.
 - C) If a common release boat or vehicle is utilized, the anglers transporting the fish to be released are exempt from the daily creel limit. A common release boat and holding tank used to transport fish for release shall be adequate to

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carry a tank constructed of a suitable material (aluminum or fiber glass) with smooth interior walls with no obstructions to trap or injure fish. The tank must be able to hold at least one gallon of water per pound of fish, provide adequate aeration, and maintain constant desirable temperature to sustain their well-being. The tank must have operating hatches to prevent fish from jumping out of the tank and allow quick opening and closing for introduction and removal of fish. Detailed specifications on the design and use of a fish holding tank are available upon request from the IDNR, Division of Fisheries. Individual boats and anglers returning their catches of fish back to a release site must adhere to daily creel limits. Tournament officials must be able to certify that a common release boat is being utilized for this tournament.

D) For catch, weigh-in, and release muskie tournaments, all boats must have a fish cradle (made from netting) to temporarily hold the muskie in the water while an official determines the length or weight of the fish prior to release. Muskies may not be transported to a weigh-in site.

6) Adequate identification of participants in fishing tournament for law enforcement purposes. Specific criteria include:

A) Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by Department of Natural Resources officials.

B) Each participant and boat must be identified in an easily recognizable manner at a distance (patch on the hat or back).

d) Failure to acquire a permit as referenced in subsection (a) above is a petty offense and will result in denial of future applications for a Fishing Tournament Permit by that applicant, sponsor or group for a period up to 5 years.

(Source: Amended at 23 Ill. Reg. 3434, effective MAR 8 1999)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULE

1) Heading of the Part: Internet Filing of Illinois Individual Income Tax Returns

2) Code Citation: 86 Ill. Adm. Code 106

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
106.100	New Section
106.110	New Section
106.120	New Section
106.130	New Section
106.200	New Section
106.300	New Section
106.400	New Section

4) Statutory Authority: 35 ILCS 5, 20 ILCS 2505/39C-1a

5) Effective Date of Amendment(s): March 8, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: November 20, 1998, 22 Ill. Reg. 20001

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Allows for the filing of Individual Income Tax Returns via the Internet. Allows for the acceptance of electronic signatures. Sets forth parameters of pilot program.

16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULE

Melanie Jarvis
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULE

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 106: INTERNET FILING OF ILLINOIS INDIVIDUAL
INCOME TAX RETURNS

SUBPART A: INTERNET RETURNS

Section
106.100
106.110
106.120
106.130

Composition of an Internet Return
Electronic Signature
Exclusions from Internet Filing
Where to Send Internet Returns

SUBPART B: INTERNET FILING PARTICIPANTS

Section
106.200

General Information

SUBPART C: BALANCE DUE RETURNS

Section
106.300

Balance Due General Information

SUBPART D: TRANSMISSION PROCEDURES

Section
106.400

Confirmation of Internet Returns

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and the Illinois Civil Administrative Code [20 ILCS 2505/39C-1a].

SOURCE: Adopted at 23 Ill. Reg. 8502, effective MAR 8 1999.

SUBPART A: INTERNET RETURNS

Section 106.100 Composition of an Internet Return

- a) An eligible Internet return consists of data transmitted to the Department electronically via the Internet, including an electronic signature. An eligible return may contain paper documents that are requested to be sent to the Department, or retained by the taxpayer for verification. In total, eligible Internet returns contain the same information as traditionally filed paper documents.
- b) Forms and schedules included in an eligible return that can be transmitted via the Internet include, but are not limited to, the following:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULE

- 1) IL-1040, Illinois Individual Income Tax Return,
 - 2) W-2, Wage and Tax Statement, and
 - 3) W-2G, Statement for Certain Gambling Winnings.
- c) See Section 106.120 of this Part for the limitations on persons who can file via the Internet.

Section 106.110 Electronic Signature

- a) The taxpayer's signature code, consisting of the taxpayer's social security number and Illinois drivers license or identification number issued by the Secretary of State, is to be used in lieu of a written signature when filing eligible returns, forms or other documents with the Department via the Internet.
- b) Transmitting a valid signature code as part of an Internet filing has the same legal effect as if the taxpayer had signed the eligible return or other documents transmitted as part of that Internet filing.
- c) The taxpayer's signature code will be transmitted to the Department at the beginning of the Internet filing process and will remain valid throughout the process and apply to all subsequent screens transmitted to the Department. This includes, but is not limited to, the screen containing the verification of information contained within the eligible return (penalties of perjury statement) and the screen containing a request for the Department to show the taxpayer his or her return after filing for the purpose of printing a copy.
- d) Internet filed eligible returns and other documents will be considered unsigned unless both components of the taxpayer's signature code are transmitted and received by the Department as part of the Internet filing. (See 35 ILCS 5/503.)
- e) The signature code is considered to be valid until:
 - 1) The taxpayer notifies the Department that the signature code has been compromised, or
 - 2) The Department determines that the signature code has been compromised.

Section 106.120 Exclusions from Internet Filing

Taxpayers filing the following types of returns are excluded from Internet filing:

- a) Returns requiring forms or schedules not listed in Section 106.100(b);
- b) Returns that include Internal Revenue Service (IRS) or Illinois forms 4852, or any other substitute wage and tax statement used to verify withholding;
- c) Returns that require attachments to verify IL-1040 subtractions for federally taxed retirement and Social Security;
- d) Returns that require attachments to verify IL-1040 subtractions for U.S. government obligations;
- e) Returns that require attachments to verify IL-1040 subtractions for military pay;

DEPARTMENT OF REVENUE

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- f) Decedent returns, including joint returns filed by surviving spouses;
- g) Fiscal year returns;
- h) Prior year returns;
- i) Amended or corrected returns;
- j) Returns with dollars and cents entries (only whole dollar amounts will be accepted);
- k) Returns containing more than:
 - 1) 20 W-2s
 - 2) 30 W-2Gs
 - 3) 30 statements;
- l) Returns that contain any of the following entries:
 - 1) Other subtractions
 - 2) Estimated tax payments
 - 3) Credit for taxes paid to other states
 - 4) Schedule 1299-C credits
 - 5) IL-2210 penalty;
- m) Returns that contain exemptions for being either 65 years of age or older or legally blind; and
- n) Nonresident and part-year resident returns requiring schedule NR.

Section 106.130 Where to Send Internet Returns

Internet filed eligible returns will be transmitted via the Internet to the Illinois Department of Revenue server in Springfield, Illinois.

SUBPART B: INTERNET FILING PARTICIPANTS**Section 106.200 General Information**

- a) Only taxpayers who have been authorized as Internet Filers may participate and file their eligible return with the Department via the Internet.
- b) An Internet Filer is a taxpayer authorized to file eligible returns via the Internet. A taxpayer is authorized to file such returns once they receive an Access Code from the Department. Internet Filers will receive one Access Code per return to be filed. Therefore, Internet Filers who are married and file joint returns will receive only one Access Code.
- c) The Department reserves the right to limit the number of participants and returns filed via the Internet.
- d) The option of Internet filing will be available for participants until April 15 of the filing year or any other filing date designated by the Department on its Internet filing website.

SUBPART C: BALANCE DUE RETURNS**Section 106.300 Balance Due General Information**

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULE

The Internet Filer is responsible for submitting payment of any balance due the Department, no later than April 15 of the filing year. (See 35 ILCS 5/601.) Failure to make full payment by this date will result in the imposition of interest and penalties. (See 35 ILCS 735/3-2 and 3-3.)

SUBPART D: TRANSMISSION PROCEDURES

Section 106.400 Confirmation of Internet Returns

- a) Each eligible Internet return transmitted to the Department will normally be confirmed as filed after all required information is submitted. The date that the Department confirms receipt of the eligible return will constitute the filing date of the return.
- b) Internet Filers cannot recall or intercept Internet filed eligible returns after the returns have been confirmed as received. If Internet Filers wish to change any entries after a return has been confirmed, a paper amended return, Form IL-1040-X, must be filed with the Department. (Also see 86 Ill. Adm. Code 100.9400(f)(3).)
- c) When an eligible return has not been confirmed after several attempts, contact the Department for assistance by calling the telephone number provided in the IL-1040 booklet or by sending E-mail to the Department.
- d) Unless an eligible return is confirmed as filed by the Department, it will not be considered a filed return.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements

- 2) Code Citation: 77 Ill. Adm. Code 250

- 3) Section Numbers:
250.330
250.1510
Proposed Action:
Amendment
Amendment

- 4) Statutory Authority: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

- 5) Effective Date of Amendment: March 4, 1999

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: These emergency rules will not expire before the end of the 150-day period.

- 7) Date Filed with the Index Department: March 4, 1999

- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: Emergency rulemaking is needed to provide relief for hospitals that are being cited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO) for having policies that do not comply with the Department's rules, even though the hospitals are in compliance with Federal regulations. The existing rules on countersigning of telephone orders and the transmitting of medical orders by facsimile machine do not reflect current practices or Federal regulations of the Health Care Financing Administration (HCFA).

- 10) A Complete Description of the Subjects and Issues Involved: The emergency amendments delete a provision for verbal medication and treatment orders to be used only in emergency situations. A requirement that telephone orders be countersigned within 24 hours is being modified to specify that the orders shall be countersigned as soon as practicable pursuant to a hospital policy approved by the medical staff. The emergency amendments also allow a medical record to include entries that are submitted by facsimile machine, provided that the faxed copies are maintained on non-thermal paper and are dated and authenticated in accordance with a hospital policy on authentication of medical records.

- 11) Are there any proposed amendments to this Part Pending? No

- 12) Statement of Statewide Policy Objectives: These rules will not require any new expenditure by units of local government.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

13) Information and questions regarding these amendments shall be directed to:

Name: Gail M. DeVito
 Address: Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 Telephone: 217/782-2043
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The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH

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SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

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AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

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NOTICE OF EMERGENCY AMENDMENT

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days.

SUBPART C: THE MEDICAL STAFF

Section 250.330 Orders for Medications and Treatments
EMERGENCY

- a) No medication, or treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or a house staff member under the supervision of a member of the medical staff. Verbal orders shall be used-in-emergency-situations only-and signed before the member of the medical staff or the house staff member leaves the area. Telephone orders shall be used sparingly and countersigned as soon as practicable pursuant to a

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NOTICE OF EMERGENCY AMENDMENT

- hospital policy approved by the medical staff within 24 hours.
- b) Members of the Medical Staff and house staff members shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.
 - c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.
 - d) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 3508 effective March 4, 1999, for a maximum of 150 days)

SUBPART L: RECORDS AND REPORTS

Section 250.1510 Medical Records
EMERGENCY

- a) Facilities
 - 1) Suitable medical record facilities, with adequate supplies and equipment, shall be maintained by the hospital.
 - 2) ~~Medical Provision shall be made for the safe storage of medical records shall be stored safely. Medical this shall be deemed to mean that medical records are to be handled in such manner as to assure safety from water seepage or fire damage and are to be safeguarded from unauthorized use.~~
- b) Organization
 - 1) Responsible Personnel
 - A) It is recommended that a qualified medical record practitioner (registered medical record administrator or accredited medical record technician) be employed as the director of the medical records department.
 - B) The director of the medical records department shall participate in educational programs relative to medical record activities, in on-the-job training and orientation of other medical record personnel and in-service medical record educational programs. Professional consultation services should be provided for the medical record practitioner.
 - 2) ~~For each patient there shall be an adequate, accurate, timely, and complete medical record shall be maintained for each patient.~~
Minimum requirements for medical record content are as follows:

DEPARTMENT OF PUBLIC HEALTH

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- A) patient identification and admission information;
 - B) history of patient as to chief complaints, present illness and pertinent past history, family history, and social history;
 - C) physical examination report;
 - D) provisional diagnosis;
 - E) diagnostic and therapeutic reports on laboratory test results, x-ray findings, any surgical procedure performed, any pathological examination, any consultation, and any other diagnostic or therapeutic procedure performed;
 - F) orders and progress notes made by the attending physician and when applicable by other members of the medical staff and allied health personnel;
 - G) observation notes and vital sign charting made by nursing personnel; and
 - H) conclusions as to the primary and any associated diagnoses, brief clinical resume, disposition at discharge to include instructions and/or medications and any autopsy findings on a hospital death.
- 3) For record requirements pertaining to maternity patients and newborn infants, see Section 250.1830(1).
 - 4) A committee of the organized medical staff shall be responsible for reviewing medical records to ensure adequate documentation, completeness, promptness, and clinical pertinence.
 - 5) Requirements for the completion of medical records and for the retention period for medical records shall be established. It is recommended that definite policies and procedures pertaining to the use of medical records and the release of medical record information be issued and that discharge diagnoses be expressed in acceptable terminology of a recognized disease nomenclature.
- c) Authentication of Medical Record Entries
 - 1) All entries into the medical record shall be authenticated by the individual who made or authorized the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author, and confirmation that the contents are what the author intended.
 - 2) Medical record entries shall include all notes, orders or observations made by direct patient care providers and any other individuals required to make such entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments including, but not limited to, radiologic or electrocardiographic reports, operative reports, reports of pathologic examination of tissue and other similar reports. The medical record may include entries that are transmitted by facsimile machine, provided that the faxed copies will be maintained on non-thermal paper and that the faxed copies will be dated and authenticated in accordance with hospital policy approved by the medical staff.

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3) Written signatures or initials and electronic signatures or computer-generated signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer-generated, shall include the initials of the signer's credentials.

4) In order for a hospital to employ electronic signatures or computer-generated signature codes for authentication purposes, the hospital's Medical Staff Medical Staff and Board must adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the hospital who are authorized to authenticate patient records using electronic or computer-generated signatures.

5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:

- A) Each user must be assigned a unique identifier that is generated through a confidential access code.
- B) The hospital must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.

C) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.

D) The hospital must monitor the use of identifiers periodically and take corrective action as needed. The process by which the hospital will conduct the monitoring shall be described in the policy.

6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:

A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.

B) The system must make an opportunity available to the user to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

verify that the document is accurate and that the signature has been properly recorded.

C) The hospital must, as part of its quality assurance activities, periodically sample records generated by the system to verify the accuracy and integrity of the system.

7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the Director of Medical Records or other person designated by the hospital's policy.

8) Each report generated by a user must be separately authenticated.

d) Indexing

1) A patient index that which serves as a key to the location of the medical record of each person who is or has been an inpatient shall be maintained as a perpetual master index, using either a card index or a computer facility system. A daily register of patients admitted to the hospital and babies born in the hospital shall be maintained.

2) Medical records shall be classified and indexed according to diagnoses, surgical procedures, and physician and other indices shall be developed as deemed necessary for the advancement of medical care.

3) It is recommended that the latest edition of the "International Classification of Diseases," or an adaptation thereof, be used as the statistical classification for purposes of uniformity and comparability of data between and among hospitals.

e) Preservation

1) All original medical records or photographs of such records shall be preserved in accordance with a hospital policy based on American Hospital Association recommendations and legal opinion.

2) The hospital shall have a policy for the preservation of patient medical records in the event of the closure of the hospital.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

- 1) Heading of the Part: Public List of Delinquent Taxpayers

- 2) Code Citation: 86 Ill. Adm. Code 710

- 3) Section Numbers:
- | | |
|--------|--------------------------|
| 710.10 | <u>Emergency Action:</u> |
| 710.20 | New Section |
| 710.30 | New Section |
| 710.40 | New Section |
| 710.50 | New Section |
| 710.60 | New Section |

- 4) Statutory Authority: Implementing and authorized by Section 39b54 of the Civil Administrative Code of Illinois (Part 2.5) [20 ILCS 2505/39b54].

- 5) Effective Date of Rulemaking: March 4, 1999

- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date filed with the Index Department: March 4, 1999

- 8) A copy of the emergency rulemaking is on file and available for public inspection at the Illinois Department of Revenue, Willard Ice Building, 101 West Jefferson, Springfield IL 62794.

- 9) Reason for Emergency: Public Act 90-0753 was signed into law on August 14, 1998, to be effective on January 1, 1999. The Act requires that the Department promulgate rules for the administration and implementation of the Act. The Department wishes to implement the program prior to the filing deadline for Illinois Individual Income Tax returns for the 1998 tax year. This cannot be accomplished without emergency rulemaking. The Department takes the position that implementation of the program prior to April 15, 1999 is of sufficient importance that the failure to implement the program constitutes a threat to the public interest.

- 10) A Complete Description of the Subjects and Issues Involved: The rules establish the procedure for implementing a delinquent taxpayer publication program, a tax collection tool authorized by Section 39b54 of the Civil Administrative Code of Illinois (Part 2.5) [20 ILCS 2505/39b54]. This program involves the disclosure of tax information of certain taxpayers that are delinquent in the payment of liabilities to the Department of Revenue. The program is intended to resolve delinquent accounts and encourage voluntary compliance with the Illinois tax statutes.

- 11) Are there any proposed amendments to this Part pending? No

- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

- a State mandate, nor modifies an existing mandate.

- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Charles F. Hickman
Special Counsel
Illinois Department of Revenue
Legal Services Office
(217) 524-9478

The full text of the Emergency Rulemaking begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 710

PUBLIC LIST OF DELINQUENT TAXPAYERS

Section

710.10 Definitions

EMERGENCY

710.20 Development of the Notice List of Delinquent Taxpayers

EMERGENCY

710.30 Notification of Delinquent Taxpayers

EMERGENCY

710.40 Grace Period

EMERGENCY

710.50 Publication of the Annual List of Delinquent Taxpayers

EMERGENCY

710.60 Removal of Taxpayers from the Annual List

EMERGENCY

AUTHORITY: Implementing and authorized by Section 39b54 of the Civil Administrative Code of Illinois (Part 2.5) [20 ILCS 2505/39b54].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 0521, effective March 4, 1999 for a maximum of 150 days.

Section 710.10 Definitions

EMERGENCY

a) "Act" means Public Act 90-753, 20 ILCS 2505/39b54, "AN ACT to amend the Civil Administrative Code by adding Section 39b54."

b) "Delinquent" refers to any final tax liability that has come due and remains unpaid. For purposes of Section 710.20 of this Part, the taxpayer shall not be deemed a delinquent taxpayer subject to disclosure if any of the following circumstances apply:

- 1) there is a written agreement for payment between the taxpayer and the Department, and the taxpayer is current in all payments.
- 2) the taxpayer is contesting the liability by way of an administrative hearing, administrative review, or judicial review. This exception includes taxpayers that currently have a petition pending before the Department's Board of Appeals.
- 3) the Department is currently in the process of reviewing the liability.
- 4) the Department is currently in the process of adjusting the liability.
- 5) the taxpayer is a debtor in a bankruptcy proceeding and the Bankruptcy Court has in place a stay of collection activity on the liability.

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NOTICE OF EMERGENCY RULEMAKING

c) 6) the taxpayer is deceased.

"Delinquent Taxpayer" means any taxpayer, whether an individual, trust, partnership, corporation, or any other taxable entity, that is delinquent in the payment of a final tax liability of a tax collected by the Department, as set forth in Section 710.20, and thereby subject to disclosure under the Act.

d) "Department" means the Department of Revenue of the State of Illinois.

e) "Disclose" means to publish or release a taxpayer's disclosable information not previously disclosed under the Act within the same calendar year.

f) "Disclosure" means the publication or release of a taxpayer's disclosable information not previously disclosed under the Act within the same calendar year.

g) "Disclosable Information" means the name and address of the delinquent taxpayer, the type or types of delinquent tax and the date on which each tax was assessed or became final, the amount of each delinquent tax liability, and, in the case of a corporate taxpayer, the name of the current president or record of the corporation.

h) "Annual List" means the list of delinquent taxpayers as disclosed by the Department in a single calendar year. The Annual List consists of all the taxpayers on the Notice List, less those taxpayers removed during the 60-day grace period described in Section 710.40 of this Part.

i) "Final Tax Liability" means a liability that has been assessed, is deemed assessed, or is otherwise final for the purpose of enforced collection activity.

j) "Notice List" means the preliminary list of taxpayers deemed Delinquent and subject to disclosure under the requirements set forth in Section 710.20 of this Part.

Section 710.20 Development of the Notice List of Delinquent Taxpayers
EMERGENCY

a) Prior to the disclosure of a delinquent taxpayer under the Act, the Department will deem the taxpayer delinquent and subject to disclosure under the Act, based upon the following criteria:

- 1) The taxpayer is delinquent in the payment of a final tax liability collected by the Department; and
 - 2) The taxpayer's final tax liability for all taxes collected by the Department (including penalties and interest) is greater than \$10,000; and
 - 3) At least 6 months have passed from the time that the final tax liability was assessed or became final, as provided in the statute imposing the tax. Taxpayers meeting each of these criteria shall be deemed "delinquent taxpayers" subject to disclosure.
- b) The Department will create and maintain the Notice List consisting of all taxpayers meeting these criteria.

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

**Section 710.30 Notification of Delinquent Taxpayers
EMERGENCY**

- a) At least 90 days prior to disclosure of a delinquent taxpayer appearing on the Notice List, the Department will mail a written notice to the delinquent taxpayer.
- 1) The notice will be sent by certified mail to the taxpayer's last known address, based on the most current information available in the records maintained by the Department.
 - 2) If any notice is returned to the Department as undeliverable, or the Department determines that a letter is unclaimed by reason of being incorrectly addressed, the Department will use reasonable diligence to determine the current address.
 - 3) The notice will detail the amount and nature of the delinquency and the intended disclosure of the delinquency.
 - 4) The notice will inform the taxpayer of the methods to avoid disclosure set forth in Section 710.40 of this Part.

**Section 710.40 Grace Period
EMERGENCY**

- a) On the date that either a notice described in Section 710.30 of this Part was delivered or the Department has been notified that delivery of the notice was refused or unclaimed, the taxpayer's inclusion on the Notice List shall be fixed, subject only to the limited process for removal set forth in subsection (b) of this Section.
- b) In the 60 days following the date set forth in subsection (a) of this Section, the delinquent taxpayer shall have the opportunity to take action that will result in removal from the Notice List. During this period, a taxpayer will be removed from the Notice List only if the taxpayer:
- 1) pays the delinquent tax; or
 - 2) enters into a written agreement with the Department for payment of the delinquent tax; or
 - 3) cures a default in an existing payment agreement; or
 - 4) files a petition with, and obtains a temporary restraining order from, the Department's Board of Appeals.

**Section 710.50 Publication of the Annual List of Delinquent Taxpayers
EMERGENCY**

- a) No sooner than 90 days after the date the Department mailed written notice to the delinquent taxpayer as provided in Section 710.30 of this Part, the Department will add to the Annual List the taxpayer's disclosable information, unless the taxpayer was removed from the Notice List during the 60-day grace period.
- b) No such disclosure of a taxpayer's disclosable information will be made in the same calendar year as a prior disclosure.

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY RULEMAKING

**Section 710.60 Removal of Taxpayers from the Annual List
EMERGENCY**

- a) The Department may periodically update the Annual List by removing taxpayers.
- b) If, prior to an update, a taxpayer appearing on the Annual List has resolved the delinquency by full payment of the tax liability, the Department will remove the taxpayer from the list available for inspection at the Department and any list subsequently published by the Department by any means.
- c) Upon each update, the list shall bear the statement "This updated list reflects the removal of taxpayers that have resolved their delinquency through (date of update)."

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
MARCH 16, 1999

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSChildren and Family Services

1. Day Care Information Line (89 Ill Adm Code 378)
-First Notice Published: 3/11/99
-Expiration of Second Notice: 4/24/99

Elections

2. Approval of Voting Systems (26 Ill Adm Code 204)
-First Notice Published: 22 Ill Reg 7853 - 5/8/98
-Expiration of Second Notice: 4/7/99
3. Registration of Voters (26 Ill Adm Code 216)
-First Notice Published: 22 Ill Reg 7866 - 5/8/98
-Expiration of Second Notice: 4/7/99

Housing Development Authority

4. National Affordable Housing Act (HOME) Program (47 Ill Adm Code 371)
-First Notice Published: 22 Ill Reg 21221 - 12/11/98

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-Expiration of Second Notice: 3/25/99

Human Services

5. Sexually Violent Persons (59 Ill Adm Code 299)
-First Notice Published: 22 Ill Reg 19496 - 11/6/98
-Expiration of Second Notice: 4/8/99

Professional Regulation

6. Physician Assistant Practice Act of 1987 (68 Ill Adm Code 1350)
-First Notice Published: 22 Ill Reg 6041 - 4/3/98
-Expiration of Second Notice: 4/11/99

Public Health

7. Hearing Screening (77 Ill Adm Code 675)
-First Notice Published: 22 Ill Reg 5801 - 3/27/98
-Expiration of Second Notice: 4/17/99
8. Repeal of Hearing Training Applicant Requirements (77 Ill Adm Code 680)
-First Notice Published: 22 Ill Reg 5812 - 3/27/98
-Expiration of Second Notice: 4/17/99

9. Repeal of Audiometry Certification, Recertification and Calibration Standards (77 Ill Adm Code 681)
-First Notice Published: 22 Ill Reg 5789 - 3/27/98
-Expiration of Second Notice: 4/17/99

10. Vision Screening (77 Ill Adm Code 685)
-First Notice Published: 22 Ill Reg 5816 - 3/27/98
-Expiration of Second Notice: 4/17/99

Secretary of State

11. Lobbyist Registration and Reports (2 Ill Adm Code 560)
-First Notice Published: 22 Ill Reg 22218 - 12/28/98
-Expiration of Second Notice: 4/2/99

12. The Illinois State Library Training Program Grants (23 Ill Adm Code 3070)
-First Notice Published: 22 Ill Reg 20806 - 12/4/98
-Expiration of Second Notice: 4/7/99

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State Fire Marshal

13. Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill Adm Code 200)
-First Notice Published: 22 Ill Reg 21217 - 12/11/98
-Expiration of Second Notice: 3/20/99

EMERGENCY AND PEREMPTORY RULEMAKINGSCentral Management Services

14. Standard Procurement (44 Ill Adm Code 1) (Emergency)
-Notice Published: 23 Ill Reg 2812 - 3/5/99

Natural Resources

15. Duck, Goose And Coot Hunting (17 Ill. Adm. Code 590) (Emergency)
-Notice Published: 23 Ill Reg 3092 - 3/12/99

Human Services

16. Food Stamps (89 Ill Adm Code 121) (Emergency)
-Notice Published: 23 Ill Reg 2601 - 2/16/99

EXEMPT RULEMAKINGSPollution Control Board

17. Primary Drinking Water Standards (35 Ill Adm Code 611)
-Proposed Date: 12/11/98
-Adopted Date: 3/5/99
18. Standards for New Solid Waste Landfills (35 Ill Adm Code 811)
-Proposed Date: 12/11/98
-Adopted Date: 3/5/99

EXPEDITED CORRECTIONHuman Services

19. Individual Care Grants for Mentally Ill Children (59 Ill Adm Code 135)
-Notice Published: 23 Ill Reg 2619 - 2/19/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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AGENCY RESPONSELabor

20. Health and Safety (56 Ill. Adm. Code 350)
-First Published: 22 Ill. Reg 8283 - 5/15/98
-Objection Date: 12/15/98
-Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 2, 1999 through March 8, 1999 and have been scheduled for review by the Committee at its March 16, 1999 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/17/99	Department of Public Health, Repeal of Audiometry Certification, Recertification and Standards (77 Ill Adm Code 681)	3/27/98 22 Ill Reg 5789	3/16/99
4/17/99	Department of Public Health, Hearing Screening (77 Ill Adm Code 675)	3/27/98 22 Ill Reg 5801	3/16/99
4/17/99	Department of Public Health, Repeal of Hearing Training Applicant Requirements (77 Ill Adm Code 680)	3/27/98 22 Ill Reg 5812	3/16/99
4/17/99	Department of Public Health, Vision Screening (77 Ill Adm Code 685)	3/27/98 22 Ill Reg 5816	3/16/99

99-06
REVOCATION OF EXECUTIVE ORDER
NUMBER THREE (1977), ALL ITS RELATED AMENDMENTS,
AND EXECUTIVE ORDER NUMBER TWO (1997).

WHEREAS, the General Assembly has enacted Public Act 90-737 (hereafter referred to as the Gift Ban Act) which explicitly supersedes Executive Order 1997-2; and establishes a system which overlaps the Board of Ethics and the economic disclosure requirements of Executive Order 1977-3 and its related amendments; and

WHEREAS, the new Gift Ban Act requires the Governor to appoint an Ethics Commission for departments, agencies, and employees under his jurisdiction that is responsible for reviewing questions that arise under the Gift Ban Act. The new Act also requires each agency under the jurisdiction of the Governor to appoint an agency ethics officer to review the disclosure of economic interest statements filed by senior employees and contract monitors within each agency with the Secretary of State pursuant to the Illinois Government Ethics Act; and

WHEREAS, Executive Order 1977-3 created a Board of Ethics for employees and appointees under the jurisdiction of the Governor and required certain employees and appointees to file a statement of economic interest form with the Board of Ethics that is in addition to any requirement for the same employee or appointee to file an economic disclosure statement with the Secretary of State; and

WHEREAS, enactment of the Gift Ban Act results in two boards of ethics with redundant and overlapping responsibilities for employees and appointees under the jurisdiction of the Governor, and continuation of the requirement that certain employees and appointees file two separate economic interest disclosures results in confusion and duplication; and

WHEREAS, it is the clear intent of the General Assembly to vest authority over ethical matters to the Board of Ethics established by the Gift Ban Act

THEREFORE, I, George H. Ryan, hereby order the following:

- I. REVOCATION OF EXECUTIVE ORDER NUMBER THREE (1977) AND THE FOLLOWING RELATED AMENDMENTS (AMENDMENT TO EXECUTIVE ORDER NUMBER THREE [1977] FILED OCTOBER 12, 1977; AMENDMENT TO EXECUTIVE ORDER NUMBER THREE [1977] FILED FEBRUARY 18, 1982; AND EXECUTIVE ORDER NUMBER THREE [1987] FILED MAY 12, 1987).

Executive Order Number Three (1977) and the following related amendments (amendment to Executive Order Number Three [1977] filed October 12, 1977; amendment to Executive Order Number Three [1977] filed February 18, 1982; and Executive Order Number Three [1987] filed May 12, 1987) are hereby revoked, thereby abolishing its specific requirements for personal economic disclosure.

- II. REVOCATION OF EXECUTIVE ORDER TWO (1997)
- Executive Order Number Two (1997) is hereby revoked, thereby abolishing its specific Gift Ban requirements.

III. EFFECTIVE DATE

This Executive Order Number 6 (1999) shall be effective upon filing with the Secretary of State.
Issued by the Governor March 3, 1999
Filed with the Secretary of State March 3, 1999

PROCLAMATIONS

99-32

TEAM UP WITH GIRLS DAY

WHEREAS, the contributions of women to the history of athletics are vitally significant; and

WHEREAS, participation in athletics assists in developing communication, motivational and leadership skills as well as self-confidence and teamwork; and

WHEREAS, the combined efforts of the Lake County Health Department, community partners and area businesses assisted the Girl Scout-Illinois Crossroads in initiating the first "Team Up with Girls" event at Gurnee Mills Mall in 1998 with over one thousand active girls and participants; and

WHEREAS, "Team Up with Girls" celebrates females of all ages who profess an interest in athletics;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 7, 1999, as TEAM UP WITH GIRLS DAY in Illinois.

Issued by the Governor February 19, 1999.

Filed by the Secretary of State February 26, 1999.

99-33

BANGLADESH DAY

WHEREAS, the 28th Independence Day of Bangladesh will be celebrated in Illinois on March 27, 1999, on the anniversary of the country's independence; and

WHEREAS, those individuals and families that struggled for the freedom of their country should be commended; and

WHEREAS, Illinois is home to several thousand Bangladeshi emigrants; and

WHEREAS, the Bangladeshi community is part of the rich ethnic background of Illinois; and

WHEREAS, the Bangladeshi community in the State of Illinois hopes to enhance Bangladeshi culture; to assist Bangladeshi emigrants, students and visitors; and to develop and promote friendship and relationships among the citizens of Illinois;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 27, 1999, as BANGLADESH DAY in Illinois in honor of the anniversary of the 28th anniversary of Bangladeshi independence.

Issued by the Governor February 22, 1999.

Filed by the Secretary of State February 26, 1999.

99-34

CHICAGO MEDICAL SOCIETY DAY

WHEREAS, on April 19, 1850, a group of doctors met for the purpose of effecting a permanent organization of physicians and surgeons in Chicago; and

WHEREAS, four days later, the group reassembled, adopted a constitution, elected officers and delegates, and named Levi D. Boone, M.D. the first president of the Chicago Medical Society; and

WHEREAS, the purpose of the society was to provide a means for discussion of medical principles, to bring standards to a profession that had its share of charlatans, to raise the standards of medical education, to advance the health of the people of Chicago, to support fellow physicians, and to provide a social opportunity for the physicians; and

WHEREAS, these same tenets are in place and practiced today;

and WHEREAS, for 150 years, the physician members have been dedicated to the betterment of the field of medicine and improving the health of people throughout the Chicagoland area; and

WHEREAS, the 11,000 members of the Chicago Medical Society will celebrate its sesquicentennial anniversary from April 1999 to April 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 19, 1999, as CHICAGO MEDICAL SOCIETY DAY in Illinois in recognition of its 150 years of service, dedication, and contributions to the field of medicine and the people of Chicago.

Issued by the Governor February 22, 1999.

Filed by the Secretary of State February 26, 1999.

99-35

RED CROSS MONTH

WHEREAS, the Red Cross is a leading voluntary agency meeting the needs of individuals and families affected by personal emergencies and disasters; and

WHEREAS, the Red Cross is designated by the Congress of the United States in the act approved on January 5, 1905, as amended, 36 U.S.C. Sections 1-9, as the lead voluntary agency responsible for national and international relief in the time of peace and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same; and

WHEREAS, the Macon County Chapter of the American Red Cross, as well as other chapters across the state, has trained thousands in essential skills such as first aid and CPR, and provided HIV/AIDS prevention education and disaster preparedness information, saving untold lives; and

WHEREAS, March has been proclaimed as Red Cross Month by the President of the United States to celebrate the achievement of the Red Cross and the services it provides to communities nationwide;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 1999 as RED CROSS MONTH in Illinois.

Issued by the Governor February 22, 1999.

Filed by the Secretary of State February 26, 1999.

99-36

CHIEF HARRIS DAY

WHEREAS, William J. Harris has served the State of Illinois and the United States of America in the United States Air Force; and

WHEREAS, William J. Harris has served as an officer of the law on the Village of Manhattan police force since he started as a part time officer in 1965; and

WHEREAS, William J. Harris has served as Chief of Police since January 1, 1970, and has instituted many departmental improvements including the initiation of 24-hour police protection for the Village of Manhattan and the creation of a five member full-time police force; and

WHEREAS, William J. Harris has served 22 years as a member of the Village of Manhattan Volunteer Fire Department; and

WHEREAS, William J. Harris has lent his time and talents to numerous community activities including youth sporting programs; and

WHEREAS, William J. Harris is now ending his public service career to pursue an active and enjoyable retirement;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 28, 1999 as CHIEF HARRIS DAY in Illinois in recognition of his long and distinguished public service career.

Issued by the Governor February 23, 1999.

Filed by the Secretary of State February 26, 1999.

99-37

CONVERTING MACHINERY AND MATERIALS DAY

WHEREAS, the 1998 Converting Machinery and Materials (CMM) Conference and Exposition will be held at Chicago's McCormick Place; and

WHEREAS, the event is the world's largest showcase and educational forum for the converting and package printing industry with more than 900 exhibitors; and

WHEREAS, top industry experts will be present at the show to offer updates on changing equipment, evolving technologies and worldwide market trends affecting the converting industry; and

WHEREAS, the conference is expected to draw more than 35,000 converting professionals from over 70 countries;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim April 12-15, 1999, as CONVERTING MACHINERY AND MATERIALS DAYS in Illinois.

Issued by the Governor February 23, 1999.

Filed by the Secretary of State February 26, 1999.

99-38

ETTA MAE CREDI DAY

WHEREAS, Etta Mae Credi began her career on February 23,

1954 as a Clerk Steno I in the Property & Liability Division making \$225 a month; and

WHEREAS, in 1981 Etta Mae Credi was made a Unit Supervisor and was eventually promoted to Assistant Deputy Director in 1990; and

WHEREAS, Etta Mae has worked with eight Governors and twenty Insurance Directors; and

WHEREAS, Etta Mae has a remarkable knowledge and understanding of the Department of Insurance's history, operations and regulations; and

WHEREAS, Etta Mae's dedication and loyalty to the Department of Insurance have made her a role model for her co-workers, friends and family; and

WHEREAS, Etta Mae is not just a dedicated Department of Insurance employee she is a friend to all and an inspiration to those who have the honor of working with her;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim February 23, 1999 as ETTA MAE CREDI DAY in Illinois in recognition of her long and distinguished public service career.

Issued by the Governor February 23, 1999.

Filed by the Secretary of State February 26, 1999.

99-39

READ TO KIDS DAY

WHEREAS, it's never too cold

Too wet or too hot,

To pick up a book

And share what you've got; and

WHEREAS, You're never too old, too wacky, too wild,

To pick up a book, and read to a child.

In churches, schools, and homes let's gather around.

Let's pick up a book, let's pass it around;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 2, 1999 as READ TO KIDS DAY in Illinois and ask all to join us in your own special way.

Issued by the Governor February 23, 1999.

Filed by the Secretary of State February 26, 1999.

99-40

CASIMIR PULASKI MONTE

WHEREAS, Revolutionary War hero Casimir Pulaski fought and died valiantly, in helping colonial America win the Revolutionary War; and

WHEREAS, Pulaski, born in Warka, Poland on March 4, 1747, is a symbol for all Americans who demonstrate the courage, patriotism, determination and work ethic that are hallmarks of the United States; and

WHEREAS, early settlers in Illinois honored the memory of Casimir Pulaski by naming Pulaski County in Southern Illinois and

Mt. Pulaski in Central Illinois after him; and
WHEREAS, Pulaski was willing to make the supreme sacrifice through his death in battle while fighting for the independence of our country, and it is fitting that we, in Illinois, set aside the first Monday of each March to honor Casimir Pulaski; and
WHEREAS, many observances are being held in honor of Casimir Pulaski throughout Illinois including ceremonies at the Polish Museum of America; and

WHEREAS, the Polish American community of Illinois contributes greatly to the state in all areas including education, business, the arts, science and government;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 1999 as **CASIMIR PULASKI MONTH** in Illinois.

Issued by the Governor February 24, 1999.

Filed by the Secretary of State February 26, 1999.

99-41

SCHOOL SOCIAL WORK WEEK

WHEREAS, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

WHEREAS, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

WHEREAS, school social workers help parents and school personnel bridge the gap between home and school, coordinating community services to meet special need of children and families; and

WHEREAS, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

WHEREAS, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim March 7-13, 1999, as **SCHOOL SOCIAL WORK WEEK** in Illinois.

Issued by the Governor February 24, 1999.

Filed by the Secretary of State February 26, 1999.

Rules acted upon during the calendar quarter from Issue 1 through Issue 16 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

PROPOSED

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